JKM LIBRARY
E338.S664 v.1
Smith, William Henry,
A political history of slavery : being a
3 9968 02655 2631

E441 S664

ACCESSION NUMBER 30068

SHELF NUMBER v. I

~~E441 S664~~ v.1

The Virginia Library

McCormick

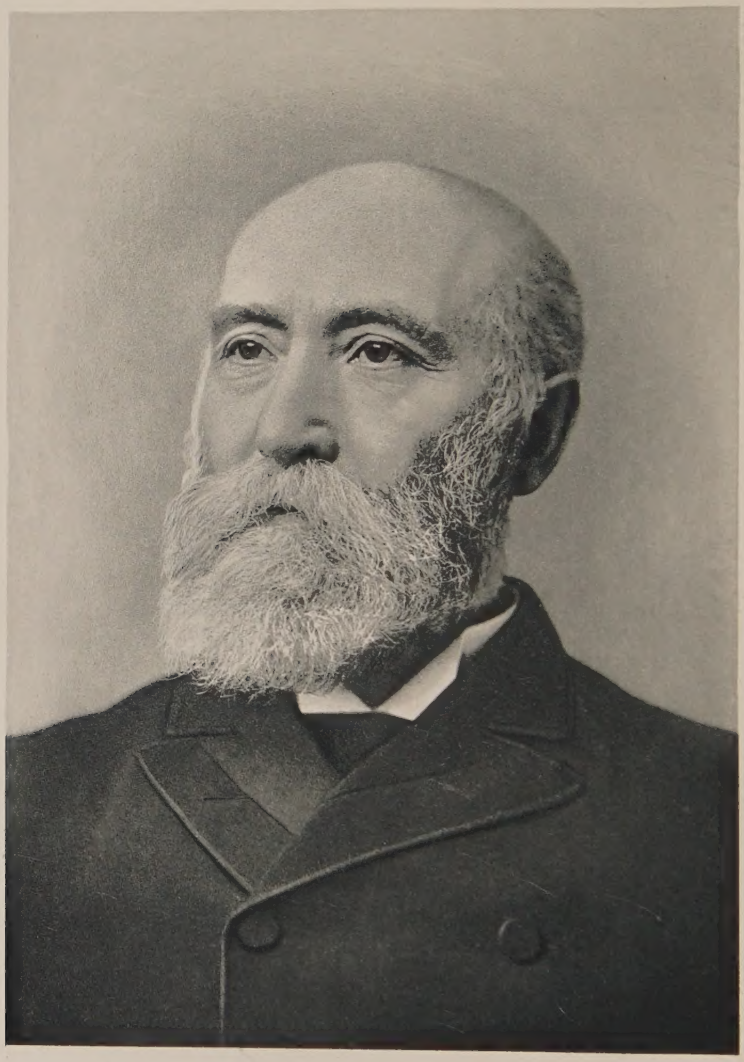
Theological Seminary

of the

Presbyterian Church, Chicago.

From the _____ Fund.

RECEIVED _____



W. H. H. Smith

A POLITICAL HISTORY OF SLAVERY

Being an Account of the Slavery Controversy from the Earliest Agitations in the Eighteenth Century to the Close of the Reconstruction Period in America

BY

WILLIAM HENRY SMITH

Author of "The St. Clair Papers,"
"Charles Hammond," etc.

WITH AN INTRODUCTION BY

WHITELAW REID

In Two Volumes

I

G. P. PUTNAM'S SONS
NEW YORK AND LONDON
The Knickerbocker Press
1903

Copyright, 1903
BY
DELAVAN SMITH

Published, March, 1903

VIRGINIA LIBRARY
MCCORMICK
THEOLOGICAL SEMINARY

The Knickerbocker Press, New York

338
S664

CONTENTS

CHAPTER I

PAGE

ANTI-SLAVERY AGITATION THROUGH THE PRESS AND RELIGIOUS ORGANIZATIONS—FEELING IN BORDER STATES—EARLY SLAVE CASES 1

CHAPTER II

INTOLERANCE AND REACTION AFTER 1830 33

CHAPTER III

THE SLAVERS *Amistad*, *Enterprise*, *Creole*—HOUSE CENSURES OF ADAMS AND GIDDINGS—ANNEXATION OF TEXAS . 53

CHAPTER IV

THE WILMOT PROVISO—CLAY, CALHOUN, WEBSTER IN THE SENATE—THE COMPROMISE OF 1850 82

CHAPTER V

INDUSTRIAL PROGRESS AND THE TARIFF—FUGITIVE SLAVES—FILIBUSTERING IN CUBA—THE NEW DEMOCRACY AND DOUGLAS 130

CHAPTER VI

THE KANSAS-NEBRASKA BILL—SQUATTER SOVEREIGNTY—THE FIGHT FOR KANSAS 162

CHAPTER VII

PAGE

ATTITUDE OF THE COURTS 194

CHAPTER VIII

CONVENTIONS OF 1856—"BLEEDING KANSAS"—ELECTION OF BUCHANAN 214

CHAPTER IX

THE DRED SCOTT DECISION—THE ADMINISTRATION AND KANSAS—JOHN BROWN'S RAID 242

CHAPTER X

THE CONVENTIONS OF 1860—THE ELECTION OF LINCOLN . 268

CHAPTER XI

SECESSION AND REBELLION—LAST ATTEMPTS AT COMPROMISE—THE CONFEDERATE SOUTH 304

INTRODUCTION

THIS work differs from most histories treating of the same period in confining its narration largely to a specific purpose. The author undertakes to cover the whole time from the first signs in America of active hostility to slavery down to the reconstruction of the United States Constitution as an anti-slavery instrument. But he does not undertake an adequate account of the origin and spirit of slavery in this country, nor of the growth of the anti-slavery agitation at the North, nor of Secession, nor of the Civil War and what came after. He traverses this period from first to last with the one primary purpose of telling the Political History of Slavery.

Incidentally there is much reference to all the other topics, but only as they contribute to the development of this political story. To read the work for the full record of either Abolition propagandism or Secession, or for a consecutive and detailed narrative of the Civil War, would be disappointing. The author did not set himself to any of these tasks, and they had already been essayed, at any rate, in many volumes and by all sorts and conditions of writers. What he did attempt is merely to use such facts in all these fields as are essential to the political history he was presenting.

The work begins with the first active opposition to slavery, which the author attributes to John Woolman, the New Jersey Quaker, writing in 1732; and after the Revolution to Charles Osborne, another Quaker, who started the Tennessee Manumission Society, and in 1817 resumed in Ohio the

issue of the first American anti-slavery newspaper, a journal that had already been started within the range of his Tennessee activities. It ends in the middle of Grant's first Administration, with the adoption of the Fifteenth Amendment to the Constitution.

It had its origin, no doubt, in the request of the nineteenth President of the United States that the author should act as his literary executor, and with the full use of his private papers prepare an account of his life and times. The early part of General Hayes's career brought him into a centre of the anti-slavery movements which preceded the organization of the Republican party, made him an associate of Salmon P. Chase in fugitive-slave cases, and compelled his biographer to study the development of public purpose as it took form in the tangible efforts of practical men to secure political agencies by which an orderly, self-governing people could correct their government. The studies thus undertaken naturally outgrew the original purpose of an introduction to the work of General Hayes's biographer and editor, and these two volumes are the result.

The distinguishing feature in the view here presented of the developments which ended in outlawing slavery throughout the continent will no doubt be found in the relatively smaller importance attached by the author to sentimental agitations and agitators, and in the greater honor awarded to those who instead of brilliantly saying things that alienated support soberly did things that compelled it. The real anti-slavery leadership is thus credited to the men who recognized parties as the chief means of doing things in a free government;—who were so skilful, for example, in constraining parties to courses they had not intended, as to cause large numbers of indifferent Democrats to unite with a smaller number of anti-slavery Whigs in making the formerly Whig State of Ohio send Salmon P. Chase, a Free Soil Democrat, to the United States Senate; who amazed the House of Representatives by electing Nathaniel P. Banks of Massachusetts, and again William Pen-

nington of New Jersey, to the Speakership; who helped put William H. Seward, Charles Sumner and John P. Hale in the Senate, Joshua R. Giddings and Owen Lovejoy in the House; who looked to Horace Greeley, the Republican leader and party editor, rather than to William Lloyd Garrison, the exponent of the Abolitionists, for guidance as well as inspiration, and made *The Tribune* the anti-slavery political text-book for the country;—the practical people, in short, who sought to accomplish political results by political means, and from the most hopeless beginnings thus gained political power at every turn until anti-slavery officials had become a distinct force to be recognized, trusted and even followed, long before the preliminary organization of the Republican party was possible.

Less notice, on the other hand, is taken in these pages of the work by the school which by dint of elegant vituperation on their own part and eloquent eulogy on the part of their followers and descendants has sometimes seemed to fill the Eastern and European eye as comprising the foremost figures in the great struggle. Neither is the scant notice they receive always commendatory. The author does not hesitate to censure the violence of Stephen S. Foster in denouncing the majority of the Executive Department, of the Supreme Court, and of the diplomatic representatives of the country as negro thieves. So, too, he has no praise for such outbursts as Wendell Phillips's imprecation in Faneuil Hall, "My curse be upon the Constitution of these United States," or for the declaration of war by Mr. Garrison on the Constitution of the United States as a covenant with death and an agreement with hell, and on the Christian churches as largely its allies. To unrestrained utterances like these he traces directly the influence which so largely turned the orthodox churches at the South and even at the North against the anti-slavery movement, with which in the beginning so many of them had been in full sympathy.

He is careful to correct the notion, set forth in Mr. Henry Wilson's *History of the Rise and Fall of the Slave Power in*

America, that the anti-slavery sentiment in Ohio was chiefly due to the New England emigrants. On the contrary he traces it in large part to the churches and to Southern influences; and, looking a little farther West, notes as a significant fact that when the struggle was precipitated in Illinois in 1823–4 for a new Constitution that should repeal the clauses conforming to the Ordinance of 1787, and so permit slavery, the protest against it, drawn up by Governor Coles, was signed by eighteen members of the Illinois Legislature, of whom a majority were emigrants from slave States. In general he evidently considered the West entitled to much larger recognition than it had hitherto received for the kind of work against slavery which plainly secured results; and he desired especially that the tremendous record of the great Central West, the three States he knew the best, Ohio, Indiana and Illinois, should be put in its proper relation to that of other regions which had abounded more in historians.

Another distinguishing feature, then, of the present work is that it is written by an onlooker and participant from the Middle West, whose impressions and recollections are necessarily more vivid as to the vast movement which set that region aflame, which put forward Lincoln for the Presidency, and which ultimately swept down the Ohio and Mississippi valleys to the sea. A little change from the accustomed proportions of some of the historic figures naturally follows. The great place assigned to Salmon P. Chase will surprise no well-read student, East or West. But Brough and Morton, McLean, Corwin, Giddings, Julian, Hayes, Speed, Dennison and Shellabarger, Trumbull and Grimes all rise larger than has generally been observed on the Eastern horizon. The New England Emigrant Aid Society is held to have been accorded a prominence in the redemption of Kansas its work did not warrant. Even the leadership in Free Soil organization claimed by Mr. Sumner for the Worcester (Mass.) Convention of June 28, 1852, is denied by our author, who points to the persuasive call for the Ohio Free Soil Convention of June 22, 1852, written by

the master political hand of Mr. Chase early the previous winter and signed by more than three thousand citizens representing all parties, and to the fact that on the call of this body the Buffalo National Convention of eighteen States and 465 delegates was assembled on August 9th.

But the tone of these rectifications is absolutely without bitterness or controversial tendency. The author was so situated as to see the occurrences in their natural relation; he knew the actors and the authorities, and he recites the facts with as little emotion as he might show in a record of the flood. He draws largely on manuscript authority for many of his quotations, availing himself freely of unpublished letters and papers from Hayes, Chase, Brough, Speed, Morton and others; but he makes full use also of most of the recognized Eastern authorities who have traversed these fields.

In tracing the political movements at the close of the war which practically resulted in universal suffrage North and South, with the carnival of "carpet-bag" corruption that followed, and has now ended by the practical suppression of the negro vote and retention of its representation by the South, the author is careful to make clear that unlimited negro suffrage was not the first offer of the side that had triumphed in the war. Mr. Lincoln himself had merely proposed to give the ballot to the blacks who could read, and to the few thousands who had served as Union soldiers. The Fourteenth Amendment left it to the Southern States to fix the conditions of suffrage. Not till that had been rejected by the advice of Andrew Johnson, and not till the North despaired of any other adequate guarantees for the enfranchised blacks, was equality of suffrage exacted. General Hayes, who was afterwards to be the subject of such vituperation at the South on this subject, had actually carried the Ohio congressional caucus for an educational qualification. In the end, however, Shellabarger reverted to "manhood suffrage" with Chase, Wilson and Sumner.

My own recollections of the discussion in those days furnish

me with two reminiscences that illustrate their position. When Mr. Chase, then Chief Justice of the United States, was on the tour of observation in the South which Mr. Johnson asked him to make in the spring of 1865, I had the privilege of reading some of the private letters in which he reported to the President, and ventured to ask if it would not be wiser to recommend a qualified suffrage for this vast mass of ignorant slaves, just enfranchised. "No," replied the Chief Justice, "they must have unrestricted suffrage; there is no other way of protecting their new-found liberty. The ballot is their only weapon." "But they don't know how to use it." "Neither did you know how to swim till you were thrown into the water. Put the responsibility upon them. It will be the best way, sometimes the only way, of educating them." To a similar suggestion in favor of small property and educational qualifications, ventured a few months later to Henry Winter Davis, this eloquent Marylander instantly replied, "That violates my fundamental rule of politics," and when urged to explain, merely said, "My rule is to stand by my friends. You have n't a friend south of Mason and Dixon's line that owns anything, or knows how to read and write."

This *Political History* is written with the fulness of knowledge that comes from having seen many of the events from the inside as they occurred, from a lifelong familiarity with and study of the entire range of the subjects, and from access to much unpublished information, in the papers of President Hayes and Governor Brough, in the records of the State office held during a critical part of the period, and in constant personal communication with some of the actors. It is a manifest effort to be fair to all, but to be fair first to the public men and the great communities of the Middle West who were thought to have been known sometimes at the East less well than they deserved. Few will now complain that it gives more prominence than has heretofore been common to the men who distrusted rhetorical efforts without political plan or methods, and preferred to rely upon the orderly procedure

and parliamentary instincts of their race. To another generation the idolatrous treatment of the pure Abolition school which at the East appeared to follow the close of the war will seem little short of amazing. As time goes on fuller justice will be done, in the history of the movements by which a free people enlarged the bounds of freedom, to communities and to leading men that relied upon typical Anglo-Saxon means for the correction of wrongs and the better development of Anglo-Saxon institutions;— to Horace Greeley first among public educators, to Chase and Seward, Stanton and Welles, first among legislators and Cabinet Ministers, and finally to the peer if not the superior of them all, and certainly the most capable politician of the list, Abraham Lincoln.

In essence it was from beginning to end a struggle by free labor at the North to free labor at the South. This story of the political methods by which that end was attained appears at an hour when the region that was willing to spend a million lives and a billion dollars to make labor free at the South may need to consider whether its politicians of to-day have the same principles for home consumption their fathers had for export;—what they are ready to do, if anything, to keep labor free now at the North.

The *Political History of Slavery* was left by its author substantially finished when he died, and the *Life of President Hayes*, which was to follow it, and was to develop the efforts in the Southern policy of that Administration to correct the mistakes of the early Reconstruction period, was brought down to the close of the great hard-money campaign, which made Governor Hayes a candidate for the Presidency and determined the sound financial policy of the Middle West. Mr. Smith's surviving son, Delavan Smith, undertook to prepare the first work for the press. He found it only necessary to detach a few passages which dealt more with Governor Hayes personally than with the general narrative. The pages thus excised have been turned over to Mr. Smith's son-in-law, Mr. Charles R. Williams, editor of *The Indianapolis News*, who

now has the *Life of Hayes* in active preparation, embodying Mr. Smith's work as far as it was carried, and continuing it on the basis of the material he had collected.

Mr. William Henry Smith was born in Columbia County, New York, of parents from Litchfield County, Connecticut, on December 1, 1833; he was taken by his parents to Union County, Ohio, in 1835; by 1854 he had been a school-teacher and tutor in college for some years, and had begun work as the editor of a literary political journal at Cincinnati; later he became a correspondent for the *Cincinnati Commercial;* in 1858 he joined the *Cincinnati Gazette*, and with the exception of five years of office-holding, continued either in the editorship of a newspaper or the General Managership of the Associated Press until he retired in 1893. The remaining years of his life were given to literary work, and he died in 1896.

Such in the briefest outline are the essential facts concerning a man who held a place in the Ohio State Government at a critical period, sustained confidential relations with great actors in the anti-slavery drama, was actively concerned in the efforts of the young Free Soilers to develop the Republican party and support the war for the Union, occupied various influential editorial positions, and was for twenty-two years the most important personage in the United States in the organization and management of the Associated Press, embracing most of the considerable newspapers of the continent.

Mr. Smith's earliest literary work in Cincinnati as editor of *The Type of the Times* brought him into close relation with the young literary men and ardent Free Soil politicians of the party. He was soon welcomed as a member of the Literary Club which included General Rutherford B. Hayes, afterwards President of the United States, Governor Edward F. Noyes, afterwards United States Minister to France, General Wm. H. Lytle, Robert H. Stevenson, T. Buchanan Read, James Murdock, Colonel Delavan Mussey and others. When he joined

the staff of what was then a leading Republican paper of the West, the *Cincinnati Gazette*, he developed simultaneously a marked capacity for excellent newspaper work and for adroit and far-seeing political management.

The great campaign against Clement L. Vallandigham, precipitated by his nomination for the Governorship of Ohio while he was absent in the South exiled by Mr. Lincoln, stirred the State to its depths. Mr. Smith threw himself heart and soul into the work for the opposing candidate, John Brough, one of the greatest of the Western War Governors, and on Mr. Brough's election was immediately invited to become his private secretary. After serving in this capacity till the next year, he was elected Secretary of State, heading the Republican ticket and carrying the State by a majority of fifty-six thousand, till then absolutely unprecedented except in the Vallandigham campaign itself. He was re-elected for another term, but resigned shortly before its expiration in order to undertake the organization of a new evening newspaper in Cincinnati, *The Chronicle*. Throughout his service at Columbus, as well as in the earlier days in Cincinnati, he was equally active and useful in the organization, handling and discharge of the State troops, a work in which he took an intense and patriotic interest.

While at the State capital he had also given much attention to the arrangement and preservation of the neglected archives of the Northwestern Territory, and this finally led to the action of the Legislature in requesting him to edit for publication the papers of Arthur St. Clair, General in the French-English-Canadian War and in the American Revolution, President of the Continental Congress and the first Governor of the great territory consecrated to freedom by the Ordinance of 1787, out of which have now sprung the five splendid States northwest of the Ohio River. He undertook this work later, and published it in two portly octavo volumes in 1882. It is a mine of information concerning the development of the Northwest, and embodies, of course, more original historical

material covering the period and range of St. Clair's activities than can be found elsewhere.

By 1870 the determination of the leading newspapers of the West to have a news system of their own to cover the local field and deal on somewhat equal terms with the New York Associated Press, led to Mr. Smith's being called by leading Western publishers to undertake the organization and management of a strong associated press with headquarters at Chicago. This work was done with such system, skill and general success that twelve years later the New York Associated Press decided to unite the two associations under the control of a Joint Executive Committee which, dispensing with the services of the Hon. Erastus Brooks, called Mr. Smith from Chicago to New York to assume the general management. The contract made in 1882 proved so satisfactory in its workings that it was renewed in 1887. Its second expiration marked the period of internal dissensions in the East that led to rival associations here, and returned Mr. Smith to Chicago.

During his first service in Chicago, President Hayes, who had always retained the early Cincinnati friendship, had suggested to him an entry into the Cabinet, probably as Postmaster-General, but Mr. Smith, whose natural bent was singularly modest and retiring, was convinced that the work he was already doing for the Associated Press was better suited to his training, and declined. The President then made him Collector of the port of Chicago, a post he was able to hold without interference with his professional duties. It was soon found, however, that he regarded it as far from a sinecure. The Chicago merchants were full of complaints that by reason of undervaluations and damage allowances at the port of New York (then under the collectorship of Chester A. Arthur) they were placed at a great disadvantage in direct importations. Mr. Smith took up the subject with vigor. He was involved in several heated controversies with Judge Hilton and other importers at the East, but succeeded in maintaining his position. This compelled a change in the methods of valuation in

New York, resulted in a great increase in the direct importations at the port of Chicago, and aided to quicken the enormous business development of that city. True to his newspaper instincts, Mr. Smith utterly refused to be placed in a false position by Eastern critics; and the Collector of the port of Chicago thus became a frequent contributor to the public journals both East and West, in prosecution of the abuse he had undertaken to correct in the New York Custom House. It is high praise that when he subsequently became for ten years a resident of New York no one was found to raise the question that his official conduct in these matters had been other than correct, and useful to the public service.

While Mr. Smith lived in New York, he became actively interested in the development of the first successful type-setting machine. I had found this in a crude state in the hands of a number of stenographers and others in Washington, who had nearly exhausted their available capital. Becoming convinced after several visits and careful inspection that it contained the germ of success, I undertook the organization of a syndicate of newspaper proprietors who should take over its control, develop it by actual use, and ultimately organize another company for its manufacture and introduction. The peculiarities of the different inventors and of some of the owners made this a task of no little difficulty. I asked Mr. Smith to join me at the work. At my request he made several visits to Washington in this interest, besides aiding me with some of the Western publishers, and in the organization of the new company. In this way he became involved in a deal of most helpful though unpretentious and unrecognized labor. But for his tact and patience in treating with difficult people, it is hardly too much to say that the linotype machine, now a historic success, and used in nearly all the leading newspaper offices and publishing houses of the country, might readily enough have perished in some of its early struggles.

Personally Mr. Smith was of a singularly equable temperament and amiable disposition. He was felt to be the best

organizer the newspapers of the country had yet found for the Associated Press work, and his name must always be indelibly associated with the enormous development of telegraphic news reports throughout the continent and on the seas.

WHITELAW REID.

451 MADISON AVENUE, NEW YORK,
3d February, 1903.

A POLITICAL HISTORY OF SLAVERY

A POLITICAL HISTORY OF SLAVERY

CHAPTER I

ANTI-SLAVERY AGITATION THROUGH THE PRESS AND RELIGIOUS ORGANIZATIONS—FEELING IN BORDER STATES—EARLY SLAVE CASES

WITH prophetic spirit Mr. Calhoun said on the passage of the act recognizing war with Mexico, that a deed had been done from which the country would not be able to recover for a long time, if ever; and that no mortal could tell what would be written in the second volume of our political history under the Constitution which this wrongful act opened. There is no more striking, no more pathetic figure in American history than this favorite statesman of the South near the close of an eminent career, surrounded by contemporaries of great distinction, presaging the years of conflict which might destroy the Union they all loved and which indeed did destroy that institution, the cause of woes innumerable—bringing fraternal peace in social life and harmony in national councils only by the inexorable law of atonement, the sacrifice of innocent blood.[1] No account of these years of bitter strife

[1] "It is evident that he foresaw the consequences of the war thus precipitated. He foresaw that it would result in the acquisition of Mexican territory. He knew

would be a correct history which omitted the facts of slavery agitation and of delusive legislation originating in a necessity emergent from the immoral and violent character of the system of human bondage. This was so interwoven with public prosperity that the responsibility for its continuance could not be limited to sectional lines. The agencies of political and social order were committed to its support to an extent that rendered it difficult to find a practical way for its extinction. Legislative invasion of constitutional rights was out of the question; moral suasion might do much. To what extent this thought influenced conditions will be seen as we trace the growth of anti-slavery sentiment.

If there is one thing clearly established, it is that slavery was deprecated by the men who formed the Constitution; who, recognizing that such an institution was inconsistent with Christian civilization, inconsistent with the great principles of civil liberty for which the Colonies had contended, and which constitute the basis of our Republic, refrained from inserting in that great charter a name so repulsive to freedom. We must conclude that they were percipient witnesses to the public sentiment of that day. There was no State free from the taint of slavery, and the feeling that it was injurious to society was in no sense dependent upon sectional lines. Its ultimate extinction was generally confidently expected: emancipation was to be the rule. This came early north of Maryland and it is not unreasonable to suppose that if there had been no inhibition of the African slave trade, emancipation would have followed within a reasonable period in Delaware, Maryland,

that the aversion of the North to the institution of slavery would cause the majority of Congress to exclude that part of the country interested in this institution from any share in the advantages to be derived from the admission of that institution into the territory thus acquired. He knew that if the North, with no interest in the matter except a moral sentiment, was so determined, it would be met with an equal determination of resistance by the Southern States. He spoke of this as the 'terrible difficulty'; and it was so for him, for he saw in it the elements of disunion and of blood. . . . He earnestly sought to prevent the occasion for renewing the strife between the sections."—L. Q. C. Lamar's Oration on the Occasion of the Unveiling of the Statue of John C. Calhoun, April 26, 1887.

Virginia, North Carolina, Kentucky and Tennessee.[1] After the year 1808 the relations of these States to the institution of slavery began to change. The cotton and rice States looked to the older States for supplies of laborers, no longer to be lawfully procured from abroad, and the interstate slave trade became a thriving business and the source of never-ending discord. In the exhaustive discussion of property taxation and representation in the Virginia convention in 1829, light was thrown on every phase of the slavery question, which the exigencies of party politics in succeeding years were unable to obscure. Mr. Mercer, one of the ablest of the members of that remarkable convention, said that the tables of the natural growth of the slave population demonstrated, when compared with the increase of its numbers in the commonwealth for the preceding twenty years, that an annual revenue of not less than a million and a half of dollars had been derived from the exportation of a part of that increase. Seven years later the *Virginia Times* published an estimate of the money arising from the sale of slaves exported during the year 1836, making the aggregate $24,000,000, which showed the enormous profitableness of slave breeding.[2]

If the possibility of such a result had been placed before the patriotic statesmen of 1787, doubtless they would have made

[1] This opinion is derived from the very highest authority. Mr. Clay in 1829, before the Colonization Society, said it was believed that nowhere in the farming portions of the United States would slave labor be generally employed, if the proprietors were not tempted to breed slaves by the high prices of the Southern market.

[2] The *Times* gave the whole number exported as 120,000, of whom 80,000 were taken out of the State by their owners who removed to new States, and 40,000 were sold to dealers. The average price per head was $600. See *Niles's Register*, vol. li., p. 83.

In the Legislature of Virginia, in 1832, Thomas Jefferson Randolph declared that Virginia had been converted into "one grand menagerie, where men are reared for the market like oxen for the shambles." This was confirmed by Mr. Gholson, another member. See reports in the Richmond *Whig* of that year.

"In Virginia and other grain-growing States, the blacks do not support themselves, and the only profit their masters derive from them is, repulsive as the idea may justly seem, in breeding them, like other live stock, for the more Southern States."—*Report American Colonization Society*, 1833.

some provision to meet it. They dealt with existing conditions, as in all human probability they would remain for centuries. They believed that by striking down the African slave trade no act of abolition would be required for the ultimate extinction of domestic slavery. Twenty years before when the means for obtaining slaves were cut off the area into which slaves could be introduced was restricted by the immortal Ordinance of 1787, which dedicated an empire to freedom. It was believed when a foreign supply was altogether prevented, and the demand for free labor increased with the expansion of the country, that slavery would die out of itself.[1] But this benevolent design of the fathers was defeated by the inventive genius of man which produced the cotton gin and revolutionized trade.

Opposition to the institution of domestic slavery arose from religious convictions as to its sinfulness, or from economic and social policies. The resistance of those who with Mr. Jefferson condemned it because of its destructive influence became as impotent as his, or succumbed to the violence of political forces; while that having its source in religious feeling played an important part in the creation of a third party. The Society of Friends led all other denominations in the employment of moral influence for the eradication of slavery, though there were not wanting outspoken utterances in the Presbyterian, Baptist and Methodist churches at an early day, especially in Ohio, Kentucky and Tennessee.[2] The law as laid down by Church authority in New York and Pennsylvania in the closing

[1] See a notable speech of Senator Mason, of Virginia, Jan. 23, 1860, in which this purpose of the framers of the Constitution is distinctly declared. The Ordinance of 1787, he said, contained the sixth compact not because of antipathy to domestic slavery *per se*, but to strike a blow at the African slave trade.

[2] "Slavery depraves and degrades the slave by removing him from the strongest natural checks to human corruption. . . . It dooms him to hopeless ignorance. How horrible must that system be which, in the opinion of its strongest advocates demands, as a necessary condition of its existence, that knowledge be shut out from the minds of those who live under it; that they should be reduced as near as possible to the level of the brutes, and that the powers of their souls should be crushed. They have no access to the Scriptures, to a regular Gospel ministry, and to the domestic means of grace. They suffer all that can be

years of the eighteenth century was made emphatic in the Western States by such practical application as forbade slaveholders serving as officers, and requiring slaves to be emancipated.[1] Dr. Robert J. Breckinridge found great satisfaction in the reflection that the Presbyterian Church in Kentucky had always been sound on this subject; that it had steadily inculcated that the holding of slaves was analogous to political despotism, and that the attempt to render it permanent was an effort to counteract the laws of nature and the ordinances of God, and must of necessity overwhelm in hopeless ruin those who engaged in so insane an enterprise. "The only safe course, as it is the only one consistent with Christian duty, is to improve the slaves and to emancipate and remove them as rapidly as they are prepared for freedom." The local or State

inflicted by wanton caprice, by grasping avarice, by brutal lust, by malignant and by insane anger."—*Address of the Synod of Kentucky*, 1796.

This solemn pronouncement of those who daily came in contact with slavery was reaffirmed by the Synod in 1834 and in 1835. "If we could calculate the amount of woe endured by ill-treated slaves," continued the address of 1835, "it would overwhelm every compassionate heart—it would move even the obdurate to sympathy."

In 1836 the Synod adopted the following resolution: "That a committee of ten be appointed to consist of an equal number of ministers and elders, whose business it shall be to digest and prepare a plan for the moral and religious instruction of our slaves, and for their future emancipation, and to report such plan to the several Presbyteries within our bounds, for their consideration and approval."

The plan formulated under this minute was a practical scheme for the instruction and emancipation of the slave, and is a most able indictment of the whole system.—Pamphlet, pp. 1–36.

The General Conference of the Methodist Episcopal Church, in 1780, declared that slavery was contrary to the laws of God, man and nature, and to the dictates of conscience and pure religion, and hurtful to society. This testimony was repeatedly reaffirmed in succeeding years. Compare also *Book of Doctrines and Discipline.*

[1] Synod of New York and Pennsylvania 1789 and the General Assembly in 1794. In 1815 and again in 1818 this body took action, saying that slavery was totally irreconcilable with the spirit and principles of the Gospel of Christ. In 1845 this view was reversed. In 1821 the Associate Presbyterian Synod at Pittsburg forbade communicants to deal in slaves as property, and required them to set their slaves free. Any member found possessed of slaves after April 1, 1822, should be considered suspended. This synod embraced the western part of Virginia.

idea of responsibility was repudiated by those Kentucky Presbyterians who, while opposing the Garrisonian policy as dangerous and ruinous, yet held with him that slavery was bound up with national life. "It is a national sin, as it must be committed by the people in their capacity as a commonwealth, and *therefore will inevitably lead to national calamity—so sure as a righteous God rules among the nations*"—a prophecy literally fulfilled, which was made in the light of the words of the Psalmist, "*The Lord executeth righteousness and judgment for all that are oppressed.*"

The Friends, in the spirit of George Fox, whose admonition was in their hearts, were moved to bear testimony against domestic slavery as it existed in America in the latter part of the seventeenth century. In 1688 the Friends of the Germantown monthly meeting suggested that action be taken on the condition of the slaves, but it was delayed by the yearly meetings of Pennsylvania and New Jersey until 1696, and thereafter the agitation was persistent throughout the South as well as the North. In Virginia members were disowned if they failed to set their slaves free, and many of those who liberated their slaves remunerated them for past services.

Some years ago one who had been conspicuous as a leader in the anti-slavery contest endeavored to show the unfaithfulness of current history in dealing with the genesis of modern abolitionism, and thereupon a controversy sprang up in the public prints as to whether William Lloyd Garrison, Benjamin Lundy or Charles Osborne was entitled to be styled the first Apostle of Emancipation.[1] George W. Julian, the writer who challenged "the truth of history," clearly established the claims of Mr. Osborne to be mentioned before either Lundy or Garrison, but strangely overlooked the older claims of another whose career was strikingly like that of Lundy. John Woolman, a Friend, who was born in New Jersey about 1720,

[1] *International Review* for 1882. George W. Julian, who opened the discussion in the June number, was followed by Oliver Johnson, Mr. Garrison's friend, in September. Mr. Julian rejoined in November. See also vol. ii., *Indiana Historical Society Publications*.

began life as a clerk in a store, and having unusual ability was frequently employed to write deeds and wills. As these often had to do with the transfer or bequest of slaves as property, after a good deal of hesitancy his conscientious scruples moved him to decline further work of this kind, and to remonstrate with those who applied to him on the sinfulness of slavery.

When about twenty-six years of age he visited North Carolina, where he sought to arouse the consciences of slaveholders, and wrote an essay entitled *Considerations on the Keeping of Negroes*, which was published at the request of friends in 1732. Ten years later a second part was published, in which he pictured the horrors of the slave trade. He met the objections made to emancipation by saying that,

> as the owners were greatly indebted to slaves for unrequited services, they should submit to any inconvenience. . . . He who, with a view to self-interest, buys a slave made so by violence, and on the strength of such purchase holds him a slave, thereby joins hands with those who committed that violence, and in the nature of things becomes chargeable with the guilt. . . . For were there none to purchase slaves, they who live by stealing and selling them would, of consequence, do less at it.

After his death, which occurred in 1772, his journal, which was published, had a wide circulation. It shows that his life was given to the work of emancipation. He travelled from colony to colony, preaching, remonstrating and counselling. While on a visit to Long Island in 1756 he makes this entry:

> My mind was deeply engaged in this visit, both in public and private; and at several places where I was, on observing that they had slaves, I found myself under a necessity, in a friendly way, to labor with them on that subject; expressing, as was observed, the inconsistencies of that practice with the purity of the Christian religion, and the ill effects of it manifested amongst us.

The next year in Maryland, "a deep and painful exercise came upon him." He says: "As the people in this and the Southern provinces live much on the labor of slaves, many of

whom are hardly used, my concern was that I might attend with singleness of heart to the voice of the true Shepherd, and be so supported as to remain unmoved at the faces of men."

At the Pennsylvania yearly meeting in 1758 he was requested to visit those who held slaves. "Many Friends said that they believed liberty was the negroes' right; to which, at length, no opposition was made publicly. A minute was made on the subject more full than any heretofore." While in attendance on the yearly meeting at Newport, Rhode Island, he found that a large number of negroes had been imported and were on sale by a member of the Society of Friends. He drew up a petition to the Legislature to take action to discourage the future importation of slaves, which was adopted by the meeting. He also visited the slaveholders and labored with them. "By the tenderness they manifested in regard to the practice, and the concern several of them expressed in relation to the manner of disposing of their negroes after their decease, I believed that a good exercise was spreading among them." At the quarterly meeting at Gunpowder, Maryland, "in bowedness of spirit I had to open with much plainness that I felt respecting Friends living in fullness on the labors of the poor oppressed negroes." He gives this picture of slavery as he saw it in Virginia in 1756:

> Many of the white people in these provinces take little or no care of negro marriages; and when negroes marry after their own way some make so little account of these marriages, that, with views of outward interest, they often part men from their wives by selling them far asunder; which is common when estates are sold by executors at vendue. Many whose labor is heavy being followed at their business in the field by a man with a whip, hired for that purpose, have in common little else allowed but one peck of Indian corn and some salt for one week, with a few potatoes; the potatoes they commonly raise by their labor on the first day of the week. The correction ensuing on their disobedience to overseers, or slothfulness in business, is often very severe, and sometimes desperate. Men and women have many times scarcely clothes to hide their nakedness, and boys and girls, ten and twelve years old, are often quite naked

among the master's children. Some of our Society and some of the Society called New Lights use some endeavors to instruct those they have in reading, but in common this is not only neglected but disapproved. These are the people by whose labor the other inhabitants are in a great measure supported, and many of them in the luxuries of life; these are the people who have made no agreement to serve us and who have not forfeited their liberty that we know of; these are the souls for whom Christ died, and for our conduct toward them we must answer before Him who is no respecter of persons.

The controverted thought of Jefferson in the Declaration of Independence "that all men are created equal," was much better expressed by Woolman twenty years before the Declaration. In conversation with a colonel of militia on a certain occasion the subject of slavery was considered, when Woolman said: "Men having power too often misapply it: though we made slaves of the negroes, and the Turks made slaves of the Christians, *I believe that liberty is the natural right of all men equally*," which he did not deny.

The labors of Woolman were crowned with success in moving the Society of Friends generally to adopt his views of emancipation.[1] Early in the nineteenth century members of the Society in the Carolinas and Virginia began an emigration to the Northwest which was continued for many years and which formed considerable societies in Ohio and Indiana. They located on the rich lands of Warren, Montgomery, Butler and Preble counties in Ohio, and the contiguous counties of Wayne, Randolph, Fayette and Henry in Indiana. Those who held slaves emancipated them and all cherished a dislike of the institution. These communities bore a conspicuous part in the political struggles that began in the thirties and continued until the Civil War. Other religious and earnest men of Southern birth located in the lower counties of these States, and of their number many became leaders in the anti-slavery movement. Notable among these were the Revs. John Rankin, Samuel Crothers, William Dicky, James H. Dicky of the

[1] *An Anti-Slavery Hero*, by Robert W. Carroll, in Cincinnati *Gazette*.

Chillicothe Presbytery, John B. Mahan, Col. Robert Stewart and Thomas Morris. The inflexible character of their principles is shown in a deed executed by Obed Denham, the founder of Bethel, in which are given two lots for the use of the members of the regular Baptist church "who do not hold slaves, nor commune at the Lord's table with those who do practise such tyranny over their fellow creatures." [1] David Ammen (who gave one son, Jacob, to the army, and another, Daniel, to the navy of the United States), a Virginian, published the anti-slavery writings of John Rankin.

These men and the Puritan descendants located on the upper Ohio were pioneers in the work of promoting, early in the century, a moral sentiment antagonistic to slavery in the Northwest, which made that region a battle ground equal in importance to New England when the political phase of the conflict between the two widely different forms of civilization under our government became prominent. How the hold on the religious communities in North Carolina, Tennessee and Kentucky established largely through the labors of Woolman, Osborne and Lundy was lost will become apparent with the progress of events. These earnest ministers were concerned with the sinfulness of the force that made one human being the slave of another, deprived him of the means of enlightenment, intellectual and spiritual, and established in the very midst of a progressive civilization a barbarism. They profited by the lesson which the Indians on the head waters of the Maumee gave to some missionaries sent among them before their removal to the far West.[2] The missionaries bore with them a letter in the Indian style, addressed to the Delaware nation, and were received with dignified courtesy. After a

[1] *James G. Birney and his Times*, p. 164.

[2] The last of the Ohio Indians were removed beyond the Mississippi in 1831. These were Wyandots. Under treaties made in 1817 and 1818, the Delawares, Shawanese and other tribes ceded for perpetual annuities all that part of the State north of the Greenville treaty line and west of the Firelands, reserving their homes, which were on the Auglaize and Sandusky. These reservations were surrendered later for lands west of the Mississippi. Hough's Map of Ohio, dated 1814, shows a little over one-third of the State held by the Indians.

council had been convened and the business discussed for fourteen days, they were dismissed with the following answer:

They rejoiced exceedingly at our happiness in thus being favored by the Great Spirit, and felt very grateful that we had condescended to remember our red brethren in the wilderness. But they could not help recollecting that we had a people among us, whom, because they differed from us in color, we had made slaves of, and made them suffer great hardships and lead miserable lives. Now they could not see any reason, if a people being black entitled us thus to deal with them, why a red color should not equally justify the same treatment. They therefore had determined to wait, to see whether all the black people amongst us were made thus happy and joyful before they would put confidence in our promises; for they thought a people who had suffered so much and so long by our means, should be entitled to our first attention; and therefore they had sent back the two missionaries, with many thanks, promising that when they saw the black people among us restored to freedom and happiness they would gladly receive our missionaries.[1]

If the red man reasoned thus logically from irreconcilable conditions, would not others to whom the Gospel might be preached, reason likewise? These anti-slavery pioneers did not shrink from the task and responsibility which this view presented, but proclaimed the brotherhood of man, including the African:

Is he not Man, though sweet Religion's voice
Ne'er bade the mourner in his God rejoice?
Is he not Man, though Knowledge never shed
Her quickening beams on his neglected head?
Is he not Man, by sin and suffering tried?
Is he not Man, for whom the Saviour died?

In this spirit the crusade was conducted, and the earnestness of the workers, though really few in number, tended to shake the entire social system throughout the Union. The work of the churches was supplemented by organizations for the promotion of emancipation through the circulation of documents, and for the care and protection of free people of color.

[1] *The Star in the West*, p. 232.

Charles Osborne, who organized the Tennessee Manumission Society, in 1814 removed to Mount Pleasant, Ohio, where he issued the first number of the *Philanthropist*, September 12, 1817. To Benjamin Lundy, who in 1815 had organized at St. Clairsville the Union Humane Society, which shortly comprised five hundred members,[1] he proposed a partnership in the publication business. Before this could be consummated Osborne sold his paper and removed in 1819 to Indiana, where he continued in the ministry as an orthodox Friend.[2]

Lundy issued the first number of his *Genius of Universal Emancipation*, at Mount Pleasant, Seventh month, 4th, 1821. It consisted of fourteen pages, magazine form, two columns to the page; and it was designed to take the place of the *Emancipator*, which had been published at Jonesborough, Tennessee, by Elihu Embree. In his address to the public Lundy says that the excitement arising from the discussions in Congress on the proposition to admit Missouri extended "from Maine to New Orleans, and from the shores of the Atlantic to the savage wilds of the West"; that the prejudice of education was vanishing before the luminous orb of truth; and that "the voice of the Eternal" had decreed the annihilation of slavery. The *Genius*, which for a time was published in Tennessee and later in Baltimore, had a stormy career. The support which Lundy received for a time and which seemed to justify the employment of Mr. Garrison as a writer, fell away after the election of Andrew Jackson in 1828. The weekly issue was suspended in January, 1829, but the monthly was continued some time longer.

Undue importance has been given to these and other anti-slavery publications. Their circulation was very limited, and their influence slight. They are interesting as mile-stones in a progressive movement, as marking the struggles and sacrifices of sincere and earnest souls in a cause having for its motive the good of mankind.

The emigration from the South to the new States had a

[1] Earle's *Life of Lundy*, p. 16.

[2] See pamphlet. *The Rank of Charles Osborne as an Anti-Slavery Pioneer.*

double aspect. All came to better their condition, but not all to escape the morally deteriorative influence of slavery. Many were active in promoting the adoption of black laws to check the immigration of free negroes and to prevent the elevation of those residing in the free States, which the prevailing prejudice against negroes rendered easy of accomplishment. Under the territorial government free blacks voted for delegates to the convention to form a constitution for Ohio, but in the convention they were deprived of the privilege in the new State by the casting vote of the presiding officer, who was a Virginian, and who became the first executive. Under this influence the government was purely a white man's government.[1] While slavery did not exist here as in Indiana and Illinois, and every attempt to nullify the sixth compact of the Ordinance of 1787 was defeated, yet hundreds of slaves were hired of their masters in Virginia and Kentucky, and employed as laborers in clearing the forests and cultivating the land; and slave-owners travelled through the State accompanied by their servants without annoyance or loss. The time came when all this was radically changed, but it was after the adoption of an aggressive policy by the South—after the contest over the right of petition and the freedom of the press—when it became clear that if slavery was not to mildew the social and political life of the free States, the negative policy of tolerance must be changed to deprecation and resistance.

[1] The Ordinance of 1787 granted the suffrage to all *free male inhabitants* in the district, possessed of a freehold of fifty acres, besides residence qualification. This was changed by the State constitution.

Who should be considered *white* within the meaning of the State constitution, was repeatedly considered in the State courts, with the result that all adult males nearer white than black "were entitled to enjoy every political and social privilege of the white citizens." The Supreme Court in 1842 by Chief Justice Lane, in Jeffries *vs.* Aukeney, 11 Ohio, 372. See also Thacker *vs.* Hawke, 11 Ohio, 373; Williams *vs.* The School Directors, etc., Wright's Reports, 178. At the February term in 1860, the Supreme Court (case of Anderson *vs.* Election Officers of Hamilton, 29 Ohio, 568) decided that a person of part negro blood, but more white than black, was a legal voter under the constitution of Ohio. This testimony as to the meaning of the word citizen in the Ordinance and in the first and second constitutions of Ohio directly controverts the reasoning of the Supreme Court of the United States in the Dred Scott case.

After the restriction of suffrage in the Ohio constitutional convention by the casting vote of the president, an attempt was made to exclude colored persons from giving testimony in courts of justice against white persons, which was defeated by a vote of seventeen to sixteen. Yet in the face of this; in spite of the obligations of the Ordinance of 1787, which secured the benefit of the writ of *habeas corpus* and of trial by jury, and which were not changed or suspended by the constitution, but confirmed and continued; in spite of other guarantees of personal liberty, the Legislature in 1804 and 1807 enacted the rigorous black laws, which provided:

1st. That no black or mulatto person should be permitted to settle or reside in the State, unless he should first procure a certificate of his freedom under the seal of a court of record; that no such person should emigrate and settle within the State until he entered into bonds, with two freehold securities, in the sum of five hundred dollars, condition for his good behavior, and the payment of all charges which might be incurred on his account, for which bond and certificate he was to pay one dollar; it was made the duty of township officers to remove out of the State any such emigrant not complying with these laws; and no resident of the State was permitted to employ any colored person not having such a certificate, under severe penalties.

2d. That no black or mulatto person should be sworn, or give evidence, in any court, or elsewhere in the State, in any case where a white person was a party, or in any prosecution on behalf of the State against a white person.

3d. That no black or mulatto should participate in the school fund arising from donations made by Congress for the support of schools.

4th. That no black or mulatto should be entitled to trial by jury even in cases involving his personal liberty.

How could a certificate of freedom under the seal of a court be procured? It was not made the duty of any court to hear any personal application for that purpose, or to issue such certificates in any case whatever. This requirement

reversed all the ordinary rules of justice and the maxims of the law, by raising the presumption that every one was a slave until he should prove himself to be a freeman in a State dedicated to freedom. Thus prejudice against the pariah and the hope to form a community free from his degrading example led to injustice and the sacrifice of principles. Thus one class of persons, living under the ægis of the constitution of the State, was forcibly deprived of the benefits enjoyed by another class, in direct violation of the letter and the spirit of that instrument.

It was stated at the time that the law requiring bonds as a condition of residence was not intended to be complied with, but was designed to drive the colored people from the State; as failing to comply with its provisions, they could be forcibly removed. And yet the constitution was formed for a mixed population, and was designed to give security to every class, in the acquisition and protection of property, and in the pursuit of happiness and the enjoyment of personal liberty. And so every provision of these extraordinary laws was repugnant to the constitution, and to the "moral sensibilities of the people," who year after year appealed to the Legislature to blot them out of the statute books. The effect of such legislation, without intelligent public opinion to support it, as in all similar cases, was to lessen respect for law.[1]

The political reaction that set in in 1829, which closed Lundy's printing establishment in Baltimore, affected the moral tone of political life throughout the whole country. An effort was made at Cincinnati in the spring of that year to secure the removal of the free people of color from the State. It was alleged to be in furtherance of the plans of the Colonization Society, but this was a subterfuge to cover some deep design and give it an appearance of philanthropy. Whatever the motive, the effect was to invite the degraded whites to persecute and terrorize the defenceless blacks, who numbered 2200. They were industrious and law-abiding, many of them owned their homes, and some were doing a prosperous busi-

[1] Report of Select Committee to Ohio Senate, 1838.

ness. The law of 1807, which had been a dead letter for twenty-two years, was now invoked. The township trustees issued a proclamation that every colored man who did not fulfil the requirements of the law in thirty days should leave the city. There was in support of this action that sort of public sentiment which is first felt in times of violence. Conservative opinion moves with the deliberation of the tortoise. The colored people held a meeting to consider what should be done. They petitioned the city authorities for permission to remain sixty days longer, and forthwith sent a committee to Canada to see what provision could be made for them there. The sixty days expired before they returned. Few were able to give security, and such as could not were now in desperate straits, as the mob attempted to drive them out of the city by force, and the city authorities, being in sympathy with the movement, gave them no succor. Thus driven to bay, they barricaded their houses and defended themselves successfully. Some of their assailants were killed, and after three nights of terror and pillage the mob retired.

The deputation to Canada returned with a favorable answer. Sir James Colebrooke, Governor of Upper Canada, gave this reply to the petition: "Tell the republicans on your side the line, that we royalists do not know men by their color. Should you come to us you will be entitled to all the privileges of the rest of His Majesty's subjects." All who were able, supposed to be over one thousand, removed to Canada and formed the Wilberforce settlement.[1] Those who remained behind suffered great hardships. The artisans combined against them, and no journeyman could find employment. In 1830 the President of the Mechanical Association was publicly tried by that society, for assisting a colored young man to learn a trade. A cabinet-maker, who had bought his freedom in Kentucky, applied in vain for employment in all the shops in Cincinnati. In this extremity, having spent his last cent, he found a slaveholder who gave him employment in an iron store as a common laborer, and after two years procured him

[1] Report of Committee on *Condition of People of Color in Ohio.*

work as a carpenter. Under his protection he became a master workman, employing at times six or eight journeymen.[1] Although they paid their taxes, the schools remained closed to them for some time, until a better sentiment prevailed. The investigations which followed under the influence of the Ohio Anti-Slavery Society in 1836, 1837 and 1838 revealed a remarkable state of facts. They vindicated the good character of the colored people in the State. Many had certificates from former masters and good citizens of the South, bearing testimony to their worth and industry, and to their having bought their freedom and the freedom of their families. Of the 2600 colored people in Cincinnati in 1835, 1129 had been in slavery, and of this number 476 had purchased themselves, paying the aggregate sum of $215,522.04. In addition to buying themselves, they bought homes or put money in trade. In the country districts the same conditions were found. A striking case was that of Godfrey Brown of Greene County, who had paid $2350 for himself and family, owned an improved farm of 300 acres and 250 acres of unimproved land. He had bills of sale of his wife and seven children. He had earned the money at shoemaking. Not many white laborers could show such a record.

The inertness of the political mind when prejudice is an element in any proposition of reform is one of the curious features of our republican system. All efforts to get the obnoxious black laws repealed were unavailing, until it was brought about through a political deal involving the distribution of offices. The Illinois country had similar laws which were not repealed until February 7, 1865.[2] These, added to the indenture laws of Indiana Territory,[3] devised, under the administration of William Henry Harrison, and without doubt by his procurement, for the introduction and perpetuation of slavery in the country west of Ohio, gave to Illinois as complete a slave code as any Southern State had. Happily public

[1] Report of Committee on *Condition of People of Color in Ohio.*

[2] *History of Illinois*, by Davidson and Stuve, p. 318.

[3] Originally passed in 1805; re-enacted in 1807.

sentiment, kept to the point of conscientious endeavor by the emigrant Friends from the South, grew to such a volume as to secure the repeal of the indenture law by the Third General Assembly of Indiana, in 1810, and the eastern division was thus relieved of the shame.[1]

But there was prevalent in the North a disposition, which was not markedly changed in any State until after 1838, to withhold from the people of color every inducement to well-doing, and to make their nominal freedom a cruel mockery of real freedom.[2]

The prevailing prejudice against the free blacks was not inconsistent with the feeling of repugnance to slavery, but the absence in the breasts of a majority of the people of the North of pity for the hard conditions of life imposed upon a captive race, the savage joy manifested by the baser sort over their sufferings, were a sad commentary on the pretentious claims of a Christian people. To their everlasting honor, pity and sympathy came from those born into the slaveholding class. They strove to find some way to mitigate the evils the system entailed; and to plan the ultimate extinction of slavery without the destruction of social order, and the bringing in of other and perhaps greater evils. They believed the attainment of the latter object possible only by a complete separation of the races. The reasons are obvious. The experience since war made emancipation universal, albeit unattended by all the evils then believed inevitable, has served to give us a clearer insight into the conservative opinions prevailing in the times under review. Colonization was advocated as the true policy,

[1] *Indiana: A Redemption from Slavery.* The author, J. P. Dunn, Jr., has given an interesting *résumé* of the legislative and political intrigues of the day. There were three distinct features of the repeal act. The first was the unconditional repeal of the indenture law of 1807. The second was a provision to prevent kidnapping, the penalties for which offence were a fine of $1000, liability for damages to the party aggrieved, and disqualification for holding any office of trust or profit. The third repealed so much of the act concerning servants as allowed the importation of indentured negroes from other States or territories.

[2] *Proceedings American Colonization Society*, 1834.

as calculated to promote emancipation, secure the support of conscientious slaveholders, and place the freedmen where they could advance in civilization without the antagonisms arising from the domination of an imperious race. This had been proposed at an early day by Mr. Jefferson and other Virginians, and soon after the organization of the American Colonization Society in 1816, the Legislature of Virginia by resolution solicited the aid of the national government in the execution of a plan for the colonization of the free people of color, with their consent. The Legislatures of Kentucky, Tennessee, Ohio, Connecticut and other States took similar action. The founding of the colony of Liberia was the outgrowth of this movement. The year after the organization of the society, Charles Osborne objected to it that it would but serve to strengthen slavery, and this view was adopted later by the extreme Abolitionists and by the different anti-slavery societies, which denounced colonization as "unrighteous, cruel and impracticable." [1] Why the emigration of blacks of their own free will was any more unrighteous and cruel than the emigration of the Puritans to the bleak coast of New England, or of the mass of colonists to Virginia, many of whom were under duress, it is difficult for an unprejudiced mind to understand. But the Abolitionists in making war upon a system viewed the victims of it in an exaggerated light. Having proclaimed slaveholding to be a *malum in se*, in the execution of judgment they showed no mercy to those concerned in it, and condemned as evil everything approved or tolerated by them. That persons interested in colonization hoped some advantage from it, is doubtless true, but it is also true that the slavery propagandists denounced it and those connected with

[1] Gerrit Smith in 1834 remarked on the growing indifference of certain classes to the American Colonization Society. The American Anti-Slavery Society, said he, "has wronged us greatly, I admit. It has, unhappily, thought the destruction of our society indispensable to the establishment of its own."—*Proceedings American Colonization Society*, 1834, p. vi. Because of a tenderness for the institution shown by some members of the Colonization Society, Mr. Smith withdrew from it and joined the American Anti-Slavery Society—an irreparable loss to the former.

it. Many telling facts in condemnation of human bondage as existing in the States were supplied by the American Colonization Society and its auxiliary societies, which exerted a greater influence, perhaps, than those supplied by the anti-slavery societies, because derived from the experience of conscientious slaveholders unaccompanied by passion and exaggeration. The society "took for granted the fact that slavery was a great moral and political evil, and cherished the hope, and the belief also, that the successful prosecution of its object would offer powerful motives and exert a persuasive influence in favor of emancipation. And it is from this indirect effect of the society that the largest advantage is to result to America. It has shown us how we may be relieved of the curse of slavery, in a manner cheap, certain and advantageous to both parties." [1] And this undoubtedly expresses the motive and expectation of the founders of the Colonization Society.

The increase in the colored population in the States north of the Potomac and the Ohio was a constant menace to the good neighborhood of the border States. The cupidity of evil men made them kidnappers, and hundreds of unfortunate victims were forcibly carried beyond the reach of friends and sold into bondage from which they were seldom redeemed. On the other hand, assistance was occasionally rendered to escaping slaves, and owners met with many difficulties in reclaiming their property. Dislike of the institution was widely prevalent in the border free States, as this recital has already shown. It did not grow less as the claims of the institution became more importunate. The first requisition for the arrest and return of a slave domiciled within the limits of Ohio was refused by the Governor at the request of prominent citizens of Marietta. This was in 1808.[2]

In 1817 the Legislature of Kentucky made the difficulty experienced by the citizens of that State in recovering fugitive slaves the subject of resolutions which were communicated to

[1] *Proceedings*, 1831.

[2] "The First Slave Case of Record in Ohio," *Proceedings of the American Historical Association*, 1893.

the Ohio executive. In acknowledging their receipt the latter dwelt on the importance of the two States maintaining the most amicable relations, and said as to the complaint:

I can assure you, Sir, that so far as I am informed there is neither a defect in the laws or want of energy on the part of those who execute them. That a universal prejudice against the principle of slavery does exist and is cherished is to be expected, and that a desire as universal to get rid of every species of negro population exists, is, in my opinion, as certain. The fugitive act is fully executed. You know, Sir, that the writ of *habeas corpus* cannot be denied, and it but too often happens that the proofs of the right of property are defective; under such circumstances the judge must act according to the facts.[1]

The difficulty was more fully set forth in an interesting kidnapping case. In 1819 a free girl named Venus, nine years of age, was kidnapped by William Bell and taken to Fleming County, Kentucky, and sold. The requisition of the Governor of Ohio for the arrest of Bell was promptly acted on by the Governor of Kentucky, who caused the miscreant to be arrested, and lodged in jail and finally delivered to the agent of the former State. In acknowledgment Governor Brown of Ohio wrote as follows:

I request you to receive the expression of the high satisfaction and gratification I feel at the ready and energetic manner in which you seem determined to bring to justice an offender of this description. While enormities like the one complained of are committed, the citizens of Kentucky should not complain that those of Ohio should feel an interest in requiring proof of ownership however inconvenient to the proprietors, before they consent to the removal of negroes against their will. The want of such evidence and the violence of attempting to remove them without the warrant of the constituted authority, I suspect, have been the chief causes of the difficulty which actual proprietors have experienced in reclaiming their slaves in Ohio; and the villainy of unprincipled kidnappers

[1] Letter of Gov. Thomas Worthington, Oct. 23, 1817. *MS.*

has aroused the people in some districts into a vigilance which I hope you will think laudable, to guard against the perpetrators of so dark a crime.[1]

It was such experiences arising from the practical administration of the slavery system in a long series of years, and denial of the right of petition, violence of mobs, and attempted subversion of the liberty of the press, rather than the organized effort of anti-slavery societies, that influenced public opinion in the North and prepared the way for the success of a party pledged to the restriction of slavery. The overshadowing personality of Charles Hammond in Ohio, at the bar, in legislative councils and in the press, was a force constant in opposition for over twenty-five years, and did not cease with his death in 1840.

In December, 1819, he prepared a report on the evils of slavery and the power of Congress to exclude it from the territories which was the basis of official action of the Legislature early in January following, requesting Senators and Representatives in Congress, "to use their utmost exertions to prevent the admission or introduction of slavery into any of the territories of the United States, or any new State that may hereafter be admitted into the Union." A reason why the free States should demand this was stated by Mr. Webster with much force, in the memorial to Congress of December 15, 1819, which expressed the opinion of Massachusetts.[2] The permission of slavery in a new State necessarily drew after it an extension of that inequality of representation which existed in regard to the original States. As between those States the representation rested on compact and plighted faith, which ought not to be violated. But with a new State

[1] Gov. Ethan Allen Brown to Gov. Gabriel Slaughter, Feb. 14, 1820. Brown Papers. *MS.*

[2] Associated with Mr. Webster on the committee which was appointed at a meeting in Boston, were George Blake, Josiah Quincy, James T. Austin and John Gallison. The memorial said that the terms of the Constitution and the practice of the government under it, justified the conclusion that Congress might make the prohibition of slavery a condition of admission of any new State into the Union.

there was no compact, no faith plighted; then where was the reason that she should enter the Union with more than an equal share of political importance and political power? Already the ratio of representation established by the Constitution had given to the States holding slaves twenty members in the House of Representatives more than they would have been entitled to, except under the particular provision of the Constitution. New slave States would increase this unjust power.

Several other Northern States adopted memorials in recognition of public sentiment as to the duty of Congress to prohibit slavery in new States. The resolutions of the Legislature of Pennsylvania were adopted by a unanimous vote. To fail to restrict the system in the fertile regions of the West, the resolutions declared, "renders all schemes for obliterating this foul blot upon the American character useless and unavailing." But despite the efforts of the Northern States to prohibit slavery in Missouri, admission was secured under a compromise looking to future restriction in territory north of 36° 30′.

Under the lead of Hammond, the Legislature of Ohio in 1824 suggested action to promote the gradual extinction of slavery, in which the coöperation of all the States and of the Congress was invited. These resolutions are an important part of the history of the slavery contest, for in them is expressed the conservative opinion of the North of the expediency and practical method of getting rid of the evil:

Resolved by the General Assembly of the State of Ohio, That the consideration of a system providing for the gradual emancipation of the people of color held in servitude in the United States, be recommended to the Legislatures of the several States of the American Union and to the Congress of the United States.

Resolved, That in the opinion of this General Assembly, a system of foreign colonization, with correspondent measures, might be adopted, that would, in due time, effect the entire emancipation of the slaves in our country, without any violation of the national compact, or infringement of the rights of individuals; by the

passage of a law by the general government (with the consent of the slaveholding States) which should provide, that all children of persons now held in slavery, born after the passage of such law, should be free at the age of twenty-one years, (being supported during their minority by the persons claiming the service of their parents,) providing they then consent to be transported to the intended place of colonization;—also

Resolved, That it is expedient that such a system should be predicated upon the principle, that the evil of slavery is a national one and that the people and States of the Union ought mutually to participate in the duties and burthens of removing it.[1]

If the evil of slavery was a national one, as declared by Ohio, for the removal of which she was ready to pay her share of cost, the right to eradicate it was a local one, in the view of Georgia. The Legislature of that State disapproved of the proposition of Ohio for the abolition of slavery. The report of the committee which was adopted declared:

That the constitutional guarantee made to the slave States holding slaves is not less sacred than the obligation imposed by the Constitution and laws for the protection of private property. Such States owe it to themselves to preserve unimpaired those rights, since the causes which extracted the constitutional concessions on this subject continue to exist in all their force. Your committee are therefore constrained to view the resolution of the State of Ohio, as calculated to infringe the rights of the State of Georgia in common with other States similarly situated in this particular, and as indelicate in those from whom it emanates. If "the evil of slavery be considered a national one," your committee take leave to refer the Legislature of Ohio to the situation of the country as it was originally settled in the South by our ancestors, and to those circumstances by the force of which slavery in America commenced its existence.

While your committee contemplate with no ordinary emotions the ameliorated condition of the slave in the Southern country, they

[1] Archives of the State of Ohio. Similar action was taken by the Legislatures of Pennsylvania and New Jersey. The former State in 1828 also recommended the abolition of slavery in the District of Columbia. New York made the same recommendation the following year.

view with regret this unnecessary interference on the part of a sister State, so well calculated to excite the anticipations and hopes of the slave, and to impel him to those acts which, instead of bettering his condition, must augment his misfortunes. Your committee, therefore, consider the resolution as violative of the true dictates of humanity; and this idea is supported by a contrast of the slave population of the South with the wretched and miserable condition of the free people of color who crowd the houses of punishment and correction in some of our sister States. If in the South they do not revel in liberty, they are at least supplied with the necessary wants of life. Georgia claims the right with her Southern sisters, whose situation in this regard is similar, of moving the question when an enlarged system of benevolent and philanthropic exertions, in consistency with her rights and interests, shall render it practicable.[1]

The great Missouri contest was followed by one of no less importance in the State of Illinois. The dominant party of that young State was pro-slavery, as it continued to be for over thirty-six years, and its leaders sought to change the constitution of 1818, which conformed to the Ordinance of 1787, so as to engraft slavery upon the domestic institutions of the State. A majority of the leaders in this scheme were emigrants from the free States who were actuated by the base motive of avarice. They believed that if there was an abundant supply of cheap labor, the lands which they owned would rapidly advance in price, and that they would be able to take advantage of an active market. For this they were willing to mortgage the future welfare of society, and bring the Union into immediate jeopardy. There also entered into the action of this party a desire to be revenged upon the Governor of the State for having had the temerity to recommend in his message in 1822 the abolition of that slavery existing by virtue of the French rights, and of the nefarious system of indenture. They accepted the recommendations of the Governor as a challenge, and they brought into play the cupidity of the landowners, the tricks of base politicians and the violence of

[1] Archives of Georgia and Ohio.

desperate men. Lacking one vote in the House, they unseated a member who had been duly elected and whom they had voted in nine weeks previously, and seated his competitor who failed of election. By such means they secured two-thirds of the two Houses and adopted a resolution submitting to a vote of the people the question of calling a new constitutional convention.

Edward Coles, who had been elected Governor through a factional division in the dominant party, and thus became the instrument for good under Providence, was a native of Virginia and had served as private secretary to President Madison. He removed to Illinois to escape from slavery and to enjoy the opportunity offered by different social conditions. He was a man of culture, of even temper, of high character and admirably qualified to be the leader of the great free State cause. Associated with him were Morris Birkbeck, founder of an English colony, and most of the ministers of the State, of whom John M. Peck, a Baptist minister from Connecticut, was the most conspicuous. When the issue was made up by the legislative majority, Governor Coles drew up an able and dignified address to the people of the State, setting forth the danger from a new convention. This address was signed by eighteen members of the Legislature who had voted against the proposition. Ten of those who signed the free State paper were emigrants from slave States, a fact worth noting in connection with what had already been accomplished in Indiana and Ohio by Southern men.[1]

The contest which now followed lasted for eighteen months, and was characterized by great bitterness, violence to the degree of personal encounters and destruction of property. Great interest was excited by it in all parts of the country. "Is it possible," asked William H. Crawford, of Georgia, then

[1] Henry Wilson, in his *History of the Rise and Fall of the Slave Power in America*, vol. ii., p. 167, credits the anti-slavery sentiment in Ohio to the New England immigrants. This confounds the political action of the parties with the religious movement that preceded, which was actively promoted by the Southern element.

Secretary of the Treasury, in a private letter, "that your convention is intended to introduce slavery into the State? I acknowledge if I were a citizen I should oppose it with great earnestness; where it has ever been introduced it is extremely difficult to get rid of, and ought to be treated with great delicacy." Governor Coles threw his whole soul into the war. He purchased a newspaper and circulated pamphlets, setting forth the immoral tendencies of slavery and the unwisdom of it from an economic point of view. These pamphlets were prepared in Philadelphia under the direction of that philanthropic Friend, Roberts Vaux, and shipped to St. Louis, whence Governor Coles had them distributed in the mails. The result of this campaign of education was shown when the votes were cast on the first Monday of August, 1824. The anti-convention party got a majority of 1872 votes out of a total of 11,772. Thus was Illinois preserved to freedom.

The feeling of revenge followed Governor Coles after his triumph. A suit was instituted at Edwardsville against him for the recovery of the sum of $200 for each negro emancipated by him and brought to the State. He had not only emancipated his slaves and paid the expenses of their emigration, but had given to all over twenty-four years old one hundred and sixty acres of land each. They were industrious, worthy men and taxpayers, but as there had been a technical violation of the law of 1819 requiring a bond conditioned on their not becoming a public charge, here was an opportunity to punish the Governor for having thwarted the pro-slavery scheme. The court ruled out his testimony and directed a conviction. The case was appealed and the Supreme Court reversed the decision of the court below.

Utterances of Southern politicians on the hustings in the campaign of 1824, portending further acquisitions of territory for the purpose of increasing the slave power,[1] created uneasiness in the North and invited a discussion of the system of slavery which anticipated the arguments of a later day. "We cannot help making the inquiry," said the Cincinnati *Gazette*,

[1] Dr. Floyd's speech in the Virginia papers. Also in Cincinnati *Gazette*.

"whether men who wish an extension of slavery for political purposes are not advocating measures which lead not only to moral degradation and misery but to *great ultimate national calamities. To urge the further extension of involuntary servitude appears not only morally wrong but politically dangerous.*"[1] The acrimony displayed in the Panama Mission debate in the national Senate rendered a continuation of the discussion in the free press inevitable. This developed great sensitiveness of feeling on the part of the Southerners. Charity interposed urging mutual forbearance. Dr. William Ellery Channing would "first let the Southern States see that we are their *friends* in this affair; that we sympathize with them, and, from principles of patriotism and philanthropy, are willing to share the toil and expense of abolishing slavery." He deprecated everything calculated to exasperate sectional animosities.[2] But the never ending resurgence of the claims of the slave power on the general government for compensation, for protection, forbade silence on the part of the true representatives of Northern interests, although they did command the support of those who were recreant through fealty to party. "Saturday we had the Wilde bill up," wrote John C. Wright to Hammond, "a bill to import negroes. Taylor and I opposed, but were beaten by the New York and Pennsylvania Swiss corps with our Doughfaces, and the *Journal* and *Intelligencer* are so delicate on the subject of negroes that the debate is not even given. This ought to be handled. It is the *Ramirez* case."[3]

[1] *Charles Hammond and his Relations to Henry Clay*, etc., p. 34. See *Liberty Hall*, 1824–6.

[2] Webster's *Works*, vol. v., p. 367.

[3] Hammond Correspondence, 28 April, 1828. *MS.* The bill before Congress, which finally became a law, was for the cancelling of a bond given by Mr. Wilde, of Georgia, to transport thirty-nine Africans beyond the limits of the United States. These Africans by decree of the U. S. Supreme Court in the *Antelope* case (10 Wheaton), had been declared to belong to Spanish claimants. During the seven years consumed in litigation, some of the Africans married Georgia negroes, and the act of Mr. Wilde in purchasing them was, doubtless, a benevolent one. Unless the bonds were cancelled the Africans would have to be transported. He offered them to the Colonization Society for transportation to Liberia, on

The case to which the Wilde bill was the sequel is in some respects the most remarkable in the history of American slavery. It occupied the attention of the courts for nearly eight years, involving the important questions of privateering, piracy and personal liberty, and thus it revealed the embarrassments arising from two conflicting systems under one government.

A privateer called the *Columbia*, sailing under a Venezuelan commission, entered the port of Baltimore in December, 1819; clandestinely shipped a crew of thirty or forty men; proceeded to sea, and, hoisting the Montevidean flag and assuming the name of the *Arraganta*, prosecuted a voyage along the coast of Africa, her officers and crew being citizens of the United States. She obtained a cargo of Africans by capture from vessels of different nationalities, and made prize of a Spanish vessel called the *Antelope*, which had on board nearly a hundred Africans. The two vessels then sailed in company to the coast of Brazil, where the *Arraganta* was wrecked and her master, Metcalf, and a great part of her crew were made prisoners; the rest of the crew, with the armament of the *Arraganta*, were transferred to the *Antelope*, which, thus armed, assumed the name of the *General Ramirez*, under the command of John Smith, a citizen of the United States. On board this vessel were all the Africans that had been captured by the privateer in her voyage. Smith steered for the coast of Florida, for a market, but had the misfortune to be captured by Captain John Jackson, of the revenue cutter *Dallas*, who carried his prize into the port of Savannah for adjudication. He filed a claim in the United States District Court for salvage; the Spanish and Portuguese vice-consuls libelled the vessel and negroes, who were claimed by John Smith, as captured *jure belli;* while the United States claimed them as having been transported from foreign parts by American

refunding to him the money he had paid out, but the society had no funds. During the debate in the House Mr. Taylor of New York moved to appropriate $11,700 to reimburse Mr. Wilde, and consign the Africans to the Colonization Society. Lost by a vote of 51 to 103.—*Debates of Congress*, vol. x., p. 125.

citizens in contravention of our laws, and as entitled to their freedom by those laws and by the law of nations. Under the act of 15th May, 1820, Smith was a pirate and liable to prosecution and punishment. He was not prosecuted, and was not otherwise punished than to have his claim disallowed.

As the judgments of the District and Circuit Courts differed only in details, we may pass directly to the finding of the latter court. The claim of the Spanish vice-consul to the vessel was allowed, on the ground that she had not violated the laws for the suppression of the slave trade, and hence was not forfeit to the United States. She was exempted from forfeiture because before the commission of this smuggling piracy she had been taken by another act of piracy from certain slave traders. Captain Jackson was allowed salvage to the amount of fifty dollars a head for each African doomed to slavery, and twenty-five dollars for each one declared to be entitled to freedom. The scandalous claim set up by Jackson and Smith, that only seven of these survived, the court refused to be a party to. It was decreed that twenty-five, to be selected by lot, should be turned over to the United States under the law, and that the residue of the negroes should be divided between the Spanish and Portuguese claimants in the ratio of one hundred and sixty-six to the former and one hundred and thirty to the latter.

The case went to the United States Supreme Court on appeal in February, 1822, and in 1825 the judgment of the court was rendered by Chief Justice Marshall. It reversed the lottery decree of the Circuit Court, cancelled the allotment of one hundred and thirty to the Portuguese vice-consul, and awarded to this number the blessing of liberty; it reduced the number to be surrendered to the Spanish claimant to thirty-nine, and these were consigned to slavery because at the time of their capture Spain had not pronounced against the slave trade; it also surrendered to the Spanish claimant the *Antelope*, and confirmed the allowance of salvage to Captain Jackson.

The court held that while the African slave trade was contrary to the law of nature, it was not prohibited by the positive

law of nations—that is, it might lawfully be carried on by the subjects of those nations which had not prohibited it by municipal acts or treaties, thus overruling the opinion of Judge Story in the case of *La Jeune Eugénie*.[1] On another point of grave importance, the judgment affirmed the legality of the capture of the *Antelope* by the *Dallas*, and added this highly interesting statement: "And whether in such a case restitution ought to be decreed at all was a question on which the court was equally divided." Hence the rule left in force so much of the judgment of the Circuit Court as gave to the Spanish claimants the vessel and thirty-nine of the Africans. The rest were restored to liberty to be transported, by order of the President, beyond the limits of the United States. While a divided court settled no principle, the judgment was favorable to freedom.[2]

To the United States belongs the credit of first declaring the slave trade piracy. Judges of the Circuit Courts, both in the South and the North, from time to time, charged grand juries to be vigilant in searching for offences under the laws providing for its suppression. In vigor of condemnation there was no difference on account of sectional lines. The horrors of the middle passage touched the hearts of all judges and made all eloquent. The united action of the great nations, making the trade unlawful, had increased the sufferings of the victims torn from their homes. Concealment was practised to avoid arrest, and they were confined in narrow spaces below the deck and subjected to every conceivable torture. Here are two examples by way of illustration. In a captured slaver were found seventeen men shackled together in pairs by the legs, and twenty boys, confined in a space measuring eighteen feet in length, seven feet eight inches in breadth, and one foot eight inches in height! When released the men could not stand. In another compartment having less cubic capacity were thirty-four females.

[1] 2 Mason's R., 409. Judge Story said in 1842: "I always thought I was right, and still think so."

[2] 10, 11 and 12 Wheaton.

When the French ship *Le Rodeur* arrived at Guadeloupe, thirty-nine negroes suffering from ophthalmia were thrown into the sea as being useless. Sometimes the villains engaged in this traffic as well as their victims were swallowed up by the sea. This happened to the officers and crew of the Spanish ship *St. Leon*, who, infected by the negroes, became totally blind. Unable to navigate their vessel, they spoke another slaver for assistance, which could not be rendered, and were never afterward heard of.[1]

When pursued and capture became imminent, the master of the slaver would often throw his manacled victims into the sea, so that when boarded there would be no evidence to justify seizure, and he could return to the coast of Africa for another chance. Another method was to stow the Africans in water casks which were consigned to the deep when the chase became hot.[2] When prevented from destroying the evidence of his crimes, the master yielded sullenly to his fate. What sights then confronted the captors! On the deck and in the loathsome hold were to be seen the living chained to the dead—the putrid carcass remaining to mock the survivor with a spectacle that to him presented no terrors—to mock him with a release which he envied![3]

Unfortunately the means for suppressing the traffic were inadequate, and it was estimated that fully two hundred thousand were landed yearly on the western shore of the Atlantic—sixty thousand in Cuba alone—after the united action of the great Powers.

[1] *Niles's National Register*, April 21, 1821.
[2] Evidence of British officers, Report of Parliament.
[3] Lord Brougham on the slave trade.

CHAPTER II

INTOLERANCE AND REACTION AFTER 1830

AGITATION went on apace. The Southern claims of property rights in the courts, in Congress and upon foreign governments engaged the attention not only of the North but of the whole civilized world. What had been accomplished in building up a sentiment antagonistic to the institution of domestic slavery, through the press and religious organizations, has already been described. After 1830 we meet with new conditions. For the first time in the history of the Republic, the influence of the national administration in every department is actively employed in the work of slavery propagandism. Violence and intolerance, born of the temper of the President, seize upon the whole country and attempt to overthrow all the sacred safeguards to personal liberty set up in the fundamental law. Disaster and degradation came of this policy, just as they resulted from the President's financial experiments and his corruption of the civil service.

The great debate between Hayne and Webster, with which the new decade opened, grew out of the exceptional conditions of Southern civilization, and may be regarded as the prelude to the bloody tragedy that was brought to a close thirty-five years later. The victory that superior intellect and unapproachable eloquence then won in debate, foreshadowed the victory of arms and superior numbers in the next generation; but contested political theories, the multiplex affairs of the Republic, the destinies of the people, were all

—tangled in the fold
Of dire necessity.

There is in each of those speeches a paragraph which gives the point of view of each side in the slavery controversy at that date. Mr. Hayne remarked on the "spirit of false philanthropy" then abroad, which was employed in lighting the torches of discord throughout the community, and then added: "Whatever difference of opinion may exist as to the effects of slavery upon national wealth and prosperity, if we may trust to experience, there can be no doubt that it has never yet produced any injurious effect on individual or national character."

Slavery [replied Mr. Webster] has always been regarded as a matter of domestic policy, left with the States themselves, and with which the federal government had nothing to do. I regard domestic slavery as one of the greatest of evils, both moral and political. But though it be a malady, and whether it be curable, and if so by what means; or, on the other hand, whether it be the *vulnus immedicabile* of the social system, I leave it to those whose right and duty it is to inquire and decide. And this I believe is, and uniformly has been, the sentiment of the North.

The student of these times will be impressed with the great influence on the current of events of the Southampton insurrection, the attempted practical application of nullification in South Carolina and its defeat, the emancipation of slaves in the British possessions and the publication of a work on slavery by Dr. Channing. The lofty character of Dr. Channing, his eloquence, unselfish devotion to his fellow men, high ideals and spirituality,[1] had given him a great hold upon the public respect and confidence on both sides of the Atlantic Ocean. He had spent a year and a half in Virginia in the family of David Meade Randolph, had seen the bright side of

[1] "I would, but I cannot, enable you to form a conception of the infantine simplicity and apostolic meekness, united with the eloquence of an angel and spirituality of a sainted mind, which characterize Dr. Channing."—*George Ripley*, by O. B. Frothingham, p. 28. Compare also *Correspondence of James Freeman Clarke*, 1838.

Southern social life and the evils inseparable from the system of slavery. Hence any word of his penetrated to the remotest parts and commanded attention. And hence his *Essay on Slavery*, first published in 1835, was the most influential contribution to the discussion of the subject throughout the whole controversy.[1]

Dr. Channing approached the subject in charity. In pointing out the evils of human bondage, he did not forget the perils of the community in which the system existed. While regretting the loss of moral power in the North, he did not fail to arraign in severe terms the rashness and unwise policy of the Abolitionists as being in a sense responsible for it. The adoption by them of the common system of agitation had not been justified by success.

From the beginning it created alarm in the considerate and strengthened the sympathies of the free States with the slaveholder. It made converts of a few individuals, but alienated multitudes. Its influence at the South has been almost wholly evil. It has stirred up bitter passions and fierce fanaticism, which have shut every ear and every heart against its arguments and persuasions.

These effects were the more to be deplored, because the hope of freedom to the slave lay chiefly in the disposition of his master. He alone had an intimate knowledge of the character and habits of his bondsman, to which the means of emancipation should be carefully adapted. It was of the highest importance that slavery should be succeeded by a friendly relation between the master and the slave; and to produce this, the latter should see in the former his benefactor and deliverer.

The agency of the American Anti-Slavery Society, formed in 1833 with the philanthropic Arthur Tappan as President, and of the auxiliary societies which flourished for a brief season, in the circulation of pamphlets and tracts containing facts otherwise inaccessible to the multitude, in providing

[1] Of publications that appealed to the reason. *Uncle Tom's Cabin* addressed itself to the feelings.

protection for free colored people, in educating them and in relieving distress, must be recognized as a work of beneficence. The pure and unselfish motives of Garrison, Tappan and their associates, who sacrificed wealth, social position, honor and friendship to perform what they believed to be

A stern and lofty duty,

is plainly seen now that the cause of controversy has disappeared, even though denied in the day of conflict. "I look to posterity for a good reputation," wrote Garrison, and he correctly gauged the estimate the calm judgment of posterity would place upon the purposes of an upright soul in a cause in which the poor and friendless were the stake. But how much he influenced the final result with his *Liberator* is conjectural. Dr. Channing, reasoning from a profound knowledge of human nature, believed that the severity of the arraignment of slaveholders, the fierce, bitter, exasperating tone of the press, had the effect of exciting the deepest resentments; and that the agitators had fallen into the common error of enthusiasts, "of feeling as if no evil existed but that which they opposed, and as if no guilt could be compared with that of countenancing or upholding it."

It is useful to compare this narrow policy of denunciation, as described by Dr. Channing, with the policy pursued by the Friends at an earlier day. Nothing that the Abolitionists uttered in Northern communities was better said than this by Robert Williams,[1] a Quaker of Carteret County, North Carolina:

The Divine Law that enjoins us to do unto all men as we would they should do unto us, in its moral fitness, outweighs anything that can be advanced for keeping slaves in bondage, for while we withhold their freedom, we are in a great measure the cause, and

[1] Robert Williams manumitted his own slaves, thus making example conform to precept. He was a member and beloved minister of the Friends' Monthly Meeting at Core Sound, and died in 1790. For an account of this Williams family see the *American Pioneer*, vol. ii., p. 436.

altogether the patrons, of their ignorance, their dissolute lives and conversation.

So, beholding the result of the teaching of Robert Williams and John Woolman, men manumitted their slaves, and, in order that they might be instructed and guided unmolested, removed with them to another section and made new homes among strangers.

To meet the rising tide of opposition on moral grounds, the Southern leaders proclaimed the good of the institution. "If the principle be once acknowledged," said the New Orleans *True American*, "that slavery is an evil, the success of the fanatics is certain." Calhoun was looked to, like a hierophant of old, to propound the mysteries of good and evil. Many in the South, said he, once believed that slavery was a moral and political evil; "that folly and delusion are gone. We see it now in its true light, and regard it as the most safe and stable basis for free institutions in the world."[1] Or, expressed in the terse language of Jefferson Davis, Mr. Calhoun's lieutenant: "Our slaves sustain *the happiest relation that labor can sustain to capital.* It is a paternal institution."[2]

Dr. Channing's comment on this new attitude of the South fell with ponderous force:

> We have even been told, not by a handful of enthusiasts in private life, but by men in the highest station and of widest influence at the South, that slavery is the soil into which political freedom strikes its deepest roots and that republican institutions are never so secure as when the laboring class is reduced to servitude. Certainly no assertion of the wildest Abolitionist could give such a shock to the slaveholder as this new doctrine is fitted to give to the people of the North. Liberty, with a slave for her pedestal and a chain in her hand, is an image from which our understandings and hearts alike recoil. A doctrine more wounding or insulting to the mechanics, farmers, laborers of the North than this strange heresy cannot well be conceived. A doctrine more irreverent, more fatal

[1] Speech, Jan. 10, 1838. *Works*, vol. iii., p. 180.
[2] Speech in Senate, April 20, 1848. Pamphlet.

to republican institutions, was never fabricated in the councils of despotism.

Everywhere the comfortableness of having a servant class wholly dependent on the will and intelligence of the superior or ruling class (relations regarded as necessary in modern social life) was dwelt on, and doubtless there were some even in the North who held with Mr. Tomlinson, the rich miller,[1] that a servant who could "nayther read nor write, and did n't know the year o' the Lord as she was born in," was less trouble than one who had been taught from books; but such sentiments, if entertained, were not proclaimed from the housetops in the North, where freedmen cast ballots.

We were assured by high authority that the majority of Southern planters believed that the African had as much freedom, and as many privileges, as he was capable of using to advantage; that he was a ward for whose well-being the master was responsible, and that interest and moral obligation secured him kind treatment. It was believed that the relation of master and servant originated in the will of God; that it would last to the end of time; that all its evils would soon disappear from the picture of human woe, and then the institution would be the source of the most amiable, endearing, permanent and useful affections of which human nature was susceptible.[2]

It was now widely proclaimed that slavery had done more to elevate a degraded race in the scale of humanity, and to spread the blessings of Christianity among the heathen, than all the missionaries that philanthropy and religion had ever sent forth. This was the language of societies, synods and conferences having to do with the order of society in one section of the country, which had its influence on religious bodies in the North, and made them, for a season, the most implacable opponents of the Abolitionists. The language of denunciation and indiscriminate condemnation employed by

[1] *Janet's Repentance.*

[2] Sermon by Rev. Theodore Clapp, pastor of the First Congregational Church of New Orleans, April 15, 1838, pp. 52–65.

the latter in enforcing their views, and their reckless methods in reaching the masters, had wrought mischief in both sections.[1]

The imaginations of men beheld a possible conflagration and ruin, evils of greater moment to mankind than the continuance of an inherited system of servitude. Reaction took place. There was manifest everywhere a resolution to crush out agitation. The General Conference of the Methodist Episcopal Church, held in Cincinnati in 1836, condemned abolitionism and censured two members who had addressed an anti-slavery meeting. In vain did the minority appeal to the records of the past as bearing uniform testimony to the evils of domestic slavery.[2] It was now a political question with which none but the South had anything to do. This became the language of synods and assemblies also, and in obedience to this new policy the doors of churches and halls were closed to free discussion. A few years later and these religious organizations were rent in twain, and new ones were formed in the North pledged to the propagation of anti-slavery doctrine.[3] Ere long Christian anti-slavery meetings became the order of the day.

There were fanatics in both sections who were impatient to let slip the dogs of war. They inspired the weak and vicious to deeds of destruction and violence. "If the Abolitionists will set the country in a blaze," said one high in the Presbyterian Church, South, "it is but fair that they should receive the first warming at the fire."

"Now, dear Christian brethren," said another to his congregation, "I humbly express it as my earnest wish, that you quit yourselves like men. If there be any stray goat of a minister among you, tainted with the blood-hound principles of abolitionism, let him be

[1] While the anti-slavery societies declared that they sought to accomplish the abolition of slavery by the application of truth to the conscience, and printed and circulated much that was useful, we have the testimony of one friendly to emancipation that no small proportion of their publications were "rash, uncharitable and slanderous; and *some of them cannot, in truth, be called less than incendiary.*"—Remark by Gerrit Smith in 1834.

[2] See *ante*, p. 4.

[3] The Wesleyan, founded in 1843, was perhaps the most active.

ferreted out, silenced, excommunicated and left to the public to dispose of him in other respects." [1]

But the North was not to be outdone. Said Mr. Stephen S. Foster, one of the foremost Abolitionists of his time:

Of Mr. Tyler's Cabinet a majority are negro thieves—five of the judges of the Supreme Court are negro thieves—the President of the United States Senate is a negro thief—the Speaker of the House of Representatives is a negro thief—the officer first in command of the United States Army is a negro thief—a majority of all our ministers to foreign courts are negro thieves. And yet these men were all elected to office by the votes, direct or indirect, of the great body of the Northern church and clergy. But why have the clergy and their adherents shown this preference for thieves to rule the nation and shape its destinies? Doubtless because they are "a brotherhood of thieves," as like always seeks its like.[2]

Again: No intelligent man could vote with the Whig or Democratic party, and claim to be innocent of the crime of slavery.

Sooner will Pontius Pilate shake from his spotted robes the blood of the murdered Jesus; sooner, far sooner, will the infatuated Jew who cried, "Away with him, away with him, let him be crucified!" stand acquitted before the bar of the final judge, than such a man exculpate himself from the guilt of slavery.

What befell is what had always been the experience, what must needs be ever the experience of society when men "encounter with such bitter tongues"; when full play is given to passion, prejudice and all uncharitableness. Mobs sprang up, property was destroyed, lives were sacrificed, social order was invaded and law defied. Municipal government became impotent to protect, or served as a cloak for the destructive forces. In the national legislature the safeguards of personal liberty were set aside, and the administrative arm of the gov-

[1] *The Church as It Is.* 1847.

[2] *The Brotherhood of Thieves; or, A True Picture of the American Church and Clergy*, p. 23.

ernment gave countenance to the invasion of the right of free speech. But the innocent objects of the contention suffered most. After fifteen years of this commotion, the testimony of the judicious was, that the tendency to gradual emancipation in the border States had been checked, and that the Abolitionists had done more to rivet the chains of the slave, and to fasten the curse of slavery upon the country, "than all the pro-slavery men in the world had done, or could do, in half a century."[1]

The reaction which set in against the extreme methods of the immediate Abolitionists was made intense, without a doubt, by fears created by the bloody insurrection at Southampton. The people of the North felt in a measure, through sympathy, the terror of wives and mothers who saw in every slave a possible Nat Turner, and they discountenanced a policy of agitation calculated to excite other insurrections. They felt the force of Dr. Channing's cautionary remark, that, as slavery and security could by no device be joined together, to instigate the slave to insurrection was a crime for which no rebuke and no punishment could be too severe. That this humane feeling served as a cloak and justification for mob violence was history repeating itself, but was an exhibition of lawlessness inexcusable under any form of government, and especially so in the towns and cities of the North. These disorders which began in 1834 gradually subsided after 1837, and proved, contrary to the expectations of those who looked on approvingly, effective arguments in convincing the most thoughtful that some means must be found to get rid of an institution that could exist only by the sacrifice of the dearest rights of personal liberty. Thus the violence that destroyed the residences of Arthur Tappan and of free people of color in New York; that made George Thompson and William Lloyd Garrison fugitives from Boston; that drove a body of respectable and well-known citizens out of Utica; that destroyed

[1] *Address to the People of West Virginia, showing that slavery is injurious to the public welfare, and that it may be gradually abolished, etc.* By Henry Ruffner, D.D., 1847.

printing-presses at Cincinnati and Alton; that burned to the ground at Philadelphia a public hall dedicated to free discussion; that persecuted innocent unfortunates everywhere; that subverted law with the consent of those intrusted by society with its execution, prepared the way for a political revolution. The blood of the murdered Lovejoy seemed to be what the soil of America needed to restore the days of 1776. In every community there appeared in an autochthonous way, as it were, wise men who reproclaimed the principles of American freedom and exhorted to public duty.

Misinterpreting the popular manifestations in the free States, the Southern leaders multiplied their demands for security, which if granted in full measure would have subverted the most precious rights embraced in the fundamental laws of those States. There were representatives of the mercantile and commercial classes, there were expectant politicians, who manifested a readiness to concede every demand; but there was a conservative influence, not taken into account by those who were shaping this new policy, which in due time changed public opinion and the current of events. This security which the political South now demanded was the suppression of all discussion of the slavery question, for a belief was prevalent that a persistent appeal to the consciences and fears of the slaveholders themselves would result in the destruction of the institution.[1] To this end the majority in Congress were instructed to deny the right of petition, and the Northern States were requested to enact laws to suppress anti-slavery societies, and to make the printing of papers, pamphlets, books or circulars relating to slavery a penal offence.

The act of the postmaster of Charleston, South Carolina, in refusing to deliver anti-slavery publications sent through the mails, and the act of the postmaster of New York in refusing to forward them, received the endorsement of Amos Kendall, Postmaster-General, who said in his letter to the former: "We owe an obligation to the laws, but a higher one to the communities in which we live; and if the former be perverted to

[1] This view was expressed by General Duff Green.

destroy the latter, it is patriotism to disregard them." President Jackson, in his annual message to Congress, in December, 1835, recommended the passage of a law that would "prohibit under severe penalties the circulation in the Southern States, through the mail, of incendiary publications intended to instigate the slaves to insurrection." A bill to accomplish this purpose was introduced in the Senate by Mr. Calhoun and ordered to a third reading by a tie vote of Senators, and Vice-President Van Buren's casting vote in the affirmative. The measure was lost on the final vote by nineteen to twenty-five. Seven Southern Senators voted against it, including Mr. Clay, Mr. Crittenden and Mr. Benton.

The free State Legislatures during this same winter had under consideration bills against the freedom of the press. They made it a misdemeanor, punishable by fine or imprisonment, or both, at the discretion of the court, to publish or circulate any writing or picture the tendency of which was to cause insurrection, commotion or breach of the peace in the slaveholding States. It was made the duty of the executive, on complaint of the executive of a slave State, to require the district attorney to place evidence of the violation of the law by any citizen of such free State before a grand jury, and upon return of an indictment to cause the arrest of the accused, who was to be delivered up to an accredited agent of the complaining executive of the slave State, in which alone a trial could be had.

Governor Everett of Massachusetts, representing the Whig party, recommended the enactment of such a law, which was successfully resisted by the Abolitionists of that State. Governor Marcy of New York, representing the Democratic party, affirmed the power of the State to pass such a law, but expressed the belief that public opinion was sufficient to meet the emergency. Only Governor Ritter of Pennsylvania dissented from the policy of suppression. While admitting the constitutional rights of sister States on this subject, he said: "Above all, let us never yield up the right of free discussion of any evil which may arise in the land or any part of it."

No free State Legislature passed any measure impairing the rights of citizens or of the press. But that such action was anticipated would seem to be clear from a demand made by the Governor of Alabama on the Governor of New York, for the surrender of R. G. Williams, publisher of the *Emancipator*, to be tried under the laws of Alabama. Mr. Williams had never been in the latter State.

A practical application of the principles of this proposed measure was made by Kentucky in 1838. Two indictments were found against the Rev. John B. Mahan, a minister of the Methodist Episcopal Church, residing in Brown County, Ohio, by a grand jury of Kentucky, for aiding in the escape of slaves of William Greathouse, and upon them the Governor issued a requisition on the Governor of Ohio for the surrender of Mahan as a fugitive from justice. The Governor of Ohio, without proper examination, issued a warrant for that purpose. Mr. Mahan was arrested, denied the benefit of a writ of *habeas corpus*, hurried out of the State, thrown into a Kentucky jail and loaded with irons. There he lay for nearly three months, when his trial came on before the Circuit Court of Mason County. The testimony against him related merely to acts done in Ohio, and was given by a single witness of disreputable character, who admitted on cross-examination that he had practised upon the prisoner a system of gross deception. The ground assumed by the prosecution was, that the jurisdiction of Kentucky extended to acts done in another State, if their effects terminated in Kentucky. But the court decided that the case was beyond the jurisdiction of the State, and the prisoner was discharged. He was again arrested on a civil process, but was permitted to give bail and return home. The bail, amounting to twelve hundred dollars, was paid by a friend of Mr. Mahan's and thus ended the persecution. The defeat of Governor Vance, who was a candidate for re-election, because of his inconsiderate action, followed as a sequel to the incident.[1]

The members of the Ohio General Assembly, who, acting

[1] *Private Correspondence of Henry Clay*, Nov. 3, 1838.

in the same spirit of complacency, passed a law requiring ministerial officers of courts of justice to render assistance in the execution of the act of 1793, denying the right of hearing before a jury and securing slave-catchers against liability of punishment, were also rebuked by the people at the polls.

Kentucky gave very different protection to her citizens. A statute of 1820 provided that the delivery of a person claimed as a fugitive from justice should not take place until such person was properly identified before a circuit judge; and that whenever a citizen of Kentucky, indicted in Ohio for removing an alleged slave from its territory without proof of property before a legal tribunal, was demanded by the executive of Ohio, he had a right to introduce proof before a court in his own State that he was not the person demanded, and should have the right of proving himself the owner of the slave, in which case the judge was bound to discharge him, and the executive to refuse the demand.

This new policy of suppression invited criticisms from the independent press of the North, thus defeating its own end:

> The threat is held up to us [commented the New York *Evening Post*, a Democratic newspaper] that unless we speedily pass laws to prohibit all expression of opinion on the dreadful topic of slavery, the Southern States will meet in convention, separate themselves from the North, and establish a separate empire for themselves. The next claim we shall hear from the arrogant South will be a call upon us to pass edicts forbidding men to think on the subject of slavery, on the ground that even meditation on that topic is interdicted by the spirit of the federal compact. If the political union of these States is only to be preserved by yielding to the claims set up by the South; if the tie of confederation is of such a kind that the breath of free discussion will inevitably dissolve it; if we can hope to maintain our fraternal connection with our brothers of the South only by dismissing all hope of ultimate freedom to the slave, let the compact be dissolved, rather than submit to such dishonorable, such inhuman terms for its preservation.[1]

[1] New York *Evening Post*, Sept. 9, 1835. The *Evening Post* was then edited by William Leggett, an able journalist, and an adherent of the political fortunes of Andrew Jackson. It was the recognized organ of the administration in New

The period from 1830 to 1841 witnessed the most violent party conflicts, and the most daring invasion of personal liberty. The rights of a majority of the people of the Union were subordinated to the claims of a class, and the legitimate functions of the national legislature interrupted by the contentions of men mad with passion. If the right of petition was asserted unduly, as was claimed, the power of the majority was enlisted in behalf of an institution at war with an enlightened civilization. The counsels of the considerate were disregarded, and the rule of violence held sway and directed the destinies of the Republic. The most conspicuous figure during these mad years is that of the venerable Representative of the Quincy district of Massachusetts, whose privilege it was to set such an example of faithfulness to duty as will serve as an inspiration to the patriotic of every age. He was no Abolitionist; he did not think it right for him to favor the abolition of slavery in the District of Columbia without the approval of the people of the district,[1] but the right of petition at all times he upheld with an eloquence and a power of argument unequalled. The taunts, the insults, the censure meted out to him, which the annals of Congress reveal, the historical student now contemplates with a strange revulsion of feeling. How impotent seems the power of a political body when exerted to suppress truth, to crush liberty! The resolutions which embodied that power, known to history as the "Gag Resolutions," beginning with Pinckney's of May 26, 1836, and ending with Johnson's of January 28, 1840,[2] have been swept into the dust cart with much other legislative rubbish condemned by time.

York. Leggett did not hesitate to censure Postmaster-General Kendall in severe terms for his letters sanctioning interference with the mails. "If, according to his ideas of patriotism, every postmaster may suspend the operations of the laws in his supreme discretion, we trust Mr. Kendall may be permitted to retire from a post where such opinions have extensive influence, and enjoy his notions of patriotism in a private station. . . . Who gives a right to judge of what is incendiary and inflammatory? Was there any reservation of that sort in his oath of office?"—*Evening Post*, April 12, 1835.

[1] *Some Recollections of our Anti-Slavery Conflict*, p. 211. Interview with John Quincy Adams.

[2] Of the 117 yeas given for Mr. Pinckney's resolution, 82 were from the free

Mr. Adams and Mr. Calhoun concurred in the opinion that the purpose of the petitioners for the abolition of slavery in the District of Columbia was a step towards the abolition throughout the Union of the institution of domestic slavery.[1] The first battle, said the South Carolinian, would be fought in the District and the territories. To yield here, "would be to give the first victory to the foes, with all the fatal consequences which usually follow a defeat on the first encounter." With this knowledge, the Southern policy ought to be to strengthen and fortify those points most effectually. Accordingly this able leader prepared a series of resolutions, which were laid before the Senate in December, designed to circumvent the plans of the enemy. These resolutions declared that the States had the exclusive right over their own domestic institutions, and any intermeddling of any State or combination of their citizens was subversive of the objects for which the Constitution was formed; that as the general government was the common agent, it was bound to give increased stability and security to the domestic institutions of the States; and that the passage of any act or measure of Congress with the view of abolishing slavery in the District or any of the territories "would be a direct and dangerous attack on the institutions of all the slaveholding States."

Mr. Calhoun saw in the question the fate of the South. "It was a higher than the mere naked question of master and slave. It involved a great political institution, essential to the

States. The Atherton resolution, Jan. 12, 1839, had a majority of 48. Of the yeas, 49 were from the free States, and these all of the Democratic party. Some Southern Whigs voted for all of the resolutions. The falling off in the Northern vote shows the constant growth of the opposition sentiment under the force policy, which finally became so pronounced by 1844 as to enable John Quincy Adams to secure the repeal in the House of the 21st Rule, formulated from the "Gag Resolutions." This extraordinary rule provided that "every petition, memorial, resolution, proposition or paper, touching or relating to slavery or the abolition thereof, shall on presentation thereof, without any further action thereon, be laid upon the table, without being debated, printed or referred."

[1] Correspondence, March 31, 1837, see *Charles Hammond and his Relations to Henry Clay and John Quincy Adams*, p. 67; also speech of Mr. Calhoun in the Senate, Jan. 10, 1838, *Works*, pp. 179–184.

peace and existence of one half of the Union." The debate, which extended over several days, was animated and was participated in by Clay, Webster, Benton, Preston, Crittenden, Morris, Rives and others — a brilliant array of talent. Mr. Crittenden thought the resolutions impracticable, and more calculated to produce agitation and stir up discontent and bad blood than to do any good whatever. An amendment offered by Mr. Clay as to the District of Columbia was adopted, in lieu of Mr. Calhoun's resolution. Mr. Calhoun did not deny the power of Congress to abolish slavery in the District and the territories, while Mr. Clay conceded it, but based opposition on the ground of its inexpediency. The most notable speech of this discussion in opposition was made by Mr. Morris of Ohio, because it was a bold exposition of the anti-slavery sentiment of the North. He proposed counter resolutions in which the power of Congress to prohibit the interstate slave trade and to abolish slavery in the District and the territories was declared. Attacks on the right of petition, on freedom of speech or the liberty of the press, which were inseparable from free government and free citizenship, he regarded as "a manifest breach of faith, and a violation of the most solemn obligations, political, moral and religious."

Mr. Van Buren was the first President elected upon the slavery issue. During his candidacy he declared that, if elected, he must go into the presidential chair, "the inflexible and uncompromising opponent of every attempt on the part of Congress to abolish slavery in the District of Columbia, against the wishes of the slaveholding States; and also with a determination equally decided to resist the slightest interference with it in the States where it exists." Accordingly, in his inaugural address he announced that no bill conflicting with these views could receive his constitutional sanction.

The criticisms which this unusual announcement invited were by no means confined to political opponents. His old party and personal friend, William Leggett, in bitterness of spirit, censured him with great severity for his indecent haste to avow his predeterminations on the subject of slavery,

"which had not even the merit of boldness. It was made in a cringing spirit of propitiation to the South, in the certainty that a majority at the North accorded with his views." [1]

It was remarked that as Mr. Van Buren was heir to General Jackson's political fortune he was expected to carry out his policies, and this expectation he zealously endeavored to fulfil. It fell to his lot to bring to a conclusion the second war with the Seminole Indians, for which his predecessor was responsible, as well as for the first war with its bloody atrocities. This second war, instituted for the double purpose of removing the Indians from their Florida homes, which white men coveted, and of capturing a few hundred negroes to whom Georgia laid claim, was characterized by shameless deeds of inhumanity and moral turpitude on the part of the agents of the government. The tragical story, which will be found in print, is the story of savage life exhibiting love of country, fidelity to friendship, family affection, hatred of oppression and revenge upon enemies—such as in the history of other races have won admiration and sympathy.[2]

[1] The New York *Plaindealer*, March 11, 1837. Mr. Leggett had retired from the *Evening Post* and established the *Plaindealer*.

[2] Domiciled with the Seminoles were hundreds of negroes and persons of mixed Indian and negro blood, descendants of Indians and negroes who had fled from slavery during the Revolutionary War, and who had in many cases acted as allies of the English, called "Exiles," or "Maroons." The efforts of the whites and agents of the government to enslave these free people were the real cause of the resistance of the Seminoles. After seven years of war the removal to the West was effected. Another attempt made in the Indian Territory to enslave the "Exiles" led to their removal to Mexico, where at last they found security. This war, instigated by, and conducted for, the slaveholders of Georgia and Florida, cost the sacrifice of their lives to many brave soldiers, and to the whole people of the United States about *forty millions of dollars!*

For full particulars of this extraordinary incident in our history consult *Executive Documents of the XVth Congress*, and the following meritorious works: *The War in Florida, Being an Exposition of its Causes*. By a Late Staff Officer, 1836. This covers the campaigns of Generals Clinch, Gaines and Scott. *The Origin, Progress and Conclusion of the Florida War*. By John T. Sprague, Brevet Captain Eighth Regiment U. S. Infantry, 1848. *The Exiles of Florida*. By Joshua R. Giddings. This work is the result of original researches by a member of Congress, who through much labor secured the facts.

An exceptional circumstance grew out of this war, which involved our government in curious complications. The Creek Indians had been employed to aid in capturing negroes living with the Seminoles in Florida, for which they were to be compensated by the government. Ninety of those captured were sent by General Jessup to Fort Pike, where they were clothed and fed at the public expense for more than a year. The War Department, fearing to invite public comment by calling for an appropriation to send them to Liberia, induced James C. Watson to buy them of the Creeks as slaves. This nefarious scheme failed of consummation through the firmness and manliness of Generals Gaines and Taylor of the regular army, who maintained in the courts that they were prisoners of war, and entitled to be treated as such. The army freed them. Some years afterward, Watson claimed compensation for his loss, and Congress authorized the payment.

"Is not our whole political system," asked John Quincy Adams at this period, "irresistibly tending to turn upon the hinge of slavery alone? I am deeply apprehensive that it is." [1]

The slaveholders complained that not only was the North attacking their character and disturbing their peace and security, but it was evading the terms of the compact between the two sections in not aiding in the return of fugitives. In that famous speech made in January, 1838, Mr. Calhoun had, with dramatic effect, introduced an incident the particulars of which had that day been received by mail from Georgia: A slave was kidnapped by some persons in the port of Savannah, and taken in a trading vessel to the State of Maine. The requisition of the Governor of Georgia for the surrender of the officers and owners of the vessel was disregarded by the Governor of Maine. Thereupon the Governor of Georgia brought the subject before the Legislature, which body adopted resolutions relating to it, one of which provided that if the surrender of the accused were not made after another and more solemn demand, the people of Georgia should be called

[1] Correspondence in *Charles Hammond and his Relations to Henry Clay and John Quincy Adams*, p. 70.

together in their high sovereign capacity, to take the subject into consideration. As Mr. Calhoun said, this was no idle menace. "The country was reposing on a volcano."[1] The South had kept its agreements made at the time of the adoption of the Constitution, and during the administration of Washington. The commercial system, the assumption of the State debts, the United States Bank, the tariffs, were all sectional measures for the advantage of the North.[2] Had not the North found in the South its best market for its provisions and manufactures? Had it not enjoyed the unrestricted carrying trade? Did not good faith call for a reciprocity—such reciprocity as gave security to the South?

The gravamen of the complaint of the North was, that slavery was being nationalized. If the South had kept within the solemn engagements and covenants of the Constitution; if it had not attempted to extend the protection of the national government, while at the same time denying the right of discussion and demanding that citizens of the Northern States should be delivered up to its vengeance, opposition to slavery in the original States and even in the District of Columbia would have amounted to nothing.

It was remarked that slave territory was being added to strengthen the political power of the South, which, under the three-fifths representation for slaves, already had an unfair advantage; that Southern men had for fifty years filled most of the important political stations; that vast sums of money had been paid out of the national treasury to reimburse slaveholders for their escaped human property; that while in the treaty of 1814 with Great Britain, which was the law of the land, the United States had assented to the proposition that "*The traffic in slaves is irreconcilable with the principles of humanity and justice*," yet we protected the traffic in the District of Columbia and in the States, and employed the

[1] The officers of the vessel said the slave had secreted himself on board without their knowledge or agency—was a stowaway—and that he had not been enticed away.

[2] *The Sectional Controversy*, by William C. Fowler, LL.D.

influence of the Department of State to obtain from foreign governments compensation for slaves escaping upon the high seas, thus placing our Republic in a humiliating light before the world; that a large navy, three-fourths of whose officers were from the slave States, was kept up at great expense chiefly to protect Southern naval stations from sudden irruption[1]; that in the distribution of the surplus revenue by the act of 1836 the South, with a free population of 3,789,674, received $16,058,082, while the North, with a free population of 7,003,229, received but $21,410,777, the same having been made not on a *pro rata* basis of distribution, but in proportion to the representation of the several States, whereby the South received for her slave population more than four millions of dollars; that the same inequality in appointments and compensation had even invaded the Supreme Court, which should be free from sectional bias[2]; that the South was invading the North, in that the power of business relations was used as a threat to coerce opinion to support the system of slavery with its evils, and that under the mischievous financial policy of the Jackson–Van Buren administrations, New York and other Northern cities had lost one hundred millions of dollars in Southern debts.[3]

[1] First Report of Judge Upshur, Secretary of the Navy, to Congress.

[2] Appendix to *Cincinnati Address*, by Salmon P. Chase, 1845.

[3] *Pennsylvania Address*, by Charles Dexter Cleveland, 1844. The slave State debts to the Bank of the United States amounted to about $20,000,000. It was estimated that the merchants of Philadelphia lost in the Southern States, from 1834 to 1839, nearly $30,000,000, and that in 1844 the indebtedness of the slave States to the free States was not less than $300,000,000. "Neckar," in the *Courier and Enquirer*, upon authority considered indisputable, said the debt due to New York from the cotton States alone was more than sufficient to pay the mercantile balance due by the United States to Europe.

CHAPTER III

THE SLAVERS *AMISTAD*, *ENTERPRISE*, *CREOLE* — HOUSE CENSURES OF ADAMS AND GIDDINGS— ANNEXATION OF TEXAS

IN the month of April, 1839, a number of young Africans were seized and carried on board the *Tecora*, a Portuguese slave ship which set sail for Havana. Here by the connivance of the Governor-General, such of them as survived the horrors of the middle passage were unlawfully sold in the barracoons to Jose Ruiz and Pedro Montez, who transferred them to the schooner *Amistad*, intending to convey them to another port in Cuba. When four days out the Africans under the lead of Cinque killed the captain and cook and took possession of the vessel. As they were near the coast they landed the crew and three passengers. They spared the lives of Ruiz and Montez, on condition that they should aid in steering the *Amistad* for the coast of Africa, or to some place where negro slavery was not permitted by the laws of the country. The Spaniards deceived the negroes, who were totally ignorant of navigation, and steered the *Amistad* for the United States; and after two months on the sea she arrived off Long Island on the 26th of August and anchored within half a mile of the shore. Cinque with a number of others went on shore to procure supplies of water and provisions, when the vessel was discovered by the United States brig *Washington*. Lieutenant Gedney, commanding the *Washington*, assisted by his officers and crew, took possession of the *Amistad* and of the Africans on shore and in the vessel, and carried them into Connecticut, and

there libelled the vessel, the cargo and the negroes for salvage. By what law did Lieutenant Gedney make prize of a foreign vessel in time of peace? By what right arrest men as free as himself on the soil of New York and carry them to another State? Such illegal acts illustrate the temper of the times in all that concerned black men.

The current accounts of these events in the press take their color from the popular prejudice. Thus one reporter speaks of Ruiz and Montez, who were guilty under the laws of their own country of a most heinous crime, as the "two Spanish gentlemen." His pen has preserved the scenes of that day.

> Jose Ruiz is a very gentlemanly and intelligent young man, and speaks English fluently. He was the owner of most of the slaves and cargo which he was conveying to his estate on the island of Cuba. Pedro Montez is about fifty years of age, and is the owner of three of the slaves. Both of them, as may be naturally supposed, are most unfeignedly thankful for their deliverance. Jose Ruiz is the most striking instance of complacency and unalloyed delight we ever witnessed, and it is not strange, since only yesterday his sentence was pronounced by the chief of the buccaneers, and his death song chanted by the grim crew who gathered with uplifted sabres around his devoted head, which, as well as his arms, bears the scars of several wounds inflicted at the time of the murder of the ill-fated captain and crew. He sat smoking his Havana on the deck, and to judge from the martyr-like serenity of his countenance his emotions are such as rarely stir the heart of man. . . . Every now and then he clasps his hands, and with uplifted eyes gives thanks to the "Holy Virgin" who had led him out of all his troubles.[1]

The interesting young man and the romantic surroundings won the sympathy of the reporter. That the Spaniard should violate both natural and statute law, that he was in fact a robber, did not enter into consideration. The blacks who had been seized in their homes and put to torture on shipboard for months, and who had bravely redeemed themselves from

[1] New London *Gazette*, Aug. 28, 1839.

bondage, were "buccaneers." They had never heard of the Prince of Peace or of his Mother. They were heathen. Nothing relating to them struck the imagination or invited sympathy. Another representative of the press has described them for us:

They are just what in the South would be called a likely lot of young negroes; very few of them seeming to be much if anything over twenty. Jinqua, or Cinque, is of superior appearance to the rest; indeed he may be called a handsome negro—with a well-formed head, symmetrical features, and an expression both intelligent and agreeable. When conversing with his fellows or trying to converse with the white folks by signs, his look is extremely animated and cheerful, and he gesticulates with great rapidity and variety. When not so occupied his expression is serious, even melancholy, which I suppose is not to be wondered at. When he was brought into the jail yesterday, the others who had been separated from him for twenty-four hours, set up a great shouting and crowded about him with vehement rejoicings.[1]

In October two native Africans who could speak both English and the language of the prisoners were found by the committee of benevolent gentlemen who took upon themselves the trouble of protecting the rights of the captives—the government was engaged in the other interest—in the British brig *Buzzard*, in New York harbor.

We called with them at the prison this morning [wrote one of the committee] while the African captives were at breakfast. The marshal objected to the entrance of the interpreters until the breakfast was over, but one of the captives coming to the door and finding a countryman who could talk in their own language, took hold of him and literally dragged him in. Such a scene ensued as you may better conceive than I describe. Breakfast was forgotten: all crowded around the two men, and all talking as fast as possible. The children hugged one another with transport.[2]

[1] New York *Commercial Advertiser*.

[2] *Journal of Commerce*. There were two girls about thirteen years of age and a small boy. Through the interpreters they were able to tell their story: "They

The emotions here would seem to be very like those attributed to the breast of the gentlemanly Ruiz by the observant reporter. But Cinque and his fellows were in prison. Ruiz and Montez walked abroad free, received congratulations and smoked their fragrant Havanas.

Don Jose Ruiz and Don Pedro Montez assured the public that the "gallant" act of Lieutenant Gedney would be duly appreciated by "our most gracious sovereign, her Majesty the Queen of Spain." This assurance would seem to have some basis. At any rate they were not sent in irons to Cuba to be tried for violating the laws of her most gracious Majesty, but at the instance of the Spanish minister the executive authority of the United States directed the people's district attorney to appear in their behalf before court and claim the Africans as their property. The Spanish minister in the name of his government demanded that the Africans should be sent back to Cuba and delivered up to the authorities there to be punished for regaining their freedom, and the whole power of the government of the United States was employed to accomplish that result.

The Attorney-General, in a written opinion, which was adopted by the President and Cabinet, held that passports from the Governor-General of Cuba as to the shipment of the negroes, which Ruiz produced (and which were claimed to be irregular and fraudulent), were conclusive evidence of title to property, and on that he assumed that the Africans were slaves, although it was admitted by the Spanish claimants that they had not been landed at the point of destination before they regained their liberty. Slavery can exist only by force. In this case the force was overcome, and the parties changed places. The Africans came into possession of the person and property of the Spaniards by lawful capture. They had a single object in view. That object was their deliverance from

were two moons on the ocean from Africa to Havana. Vessel crowded and many died—were tight together, two and two, chained together by hands and feet, night and day, until near Havana." Ruiz and Montez treated them with cruelty when they were on the *Amistad*.

oppression, from unlawful bondage. They owed no allegiance to Spain, and no service to Ruiz and Montez. They were on board the *Amistad* by constraint. When freed from the fetters that bound them, they sought, as was their right, to return to their kindred and their homes. In all that they had done they were guilty of no crime, for which they could be held responsible as robbers or pirates. If white, their rights would have been instantly recognized; the *Amistad* and cargo would have remained their lawful prize.

The Attorney-General advised the President to issue his order, directed to the marshal in whose custody were the vessel, cargo and Africans, to deliver the same to such persons as the Spanish minister might designate to receive them. In a Spanish court the negroes, if guilty of crime, could be tried, or might establish their right to freedom. The Spanish minister could not understand why the President did not, in accordance with this opinion, issue his executive mandate at once, and send the Africans to the Governor-General of Cuba. But all parties were in a court of the United States, and the executive department could not properly interfere to prevent a hearing. With the minister's demand that a vessel should be provided to transport the negroes to Cuba, when delivered up by the court, the President complied with indecent haste.

About four days before the time appointed for the delivery of the opinion of the court, which the executive confidently expected would be in accordance with the wishes of the administration, a public vessel anchored off New Haven, the commander of which bore an order signed by "M. Van Buren" and countersigned by "John Forsyth, Secretary of State," addressed to the marshal, directing him to deliver over to Lieut. John S. Paine, of the United States Navy, and aid in conveying on board the schooner *Grampus*, "all the negroes in his custody, under process now pending before the Circuit Court of the United States for the District of Connecticut."[1]

The district attorney, on discovering an error in this order, despatched a messenger to Washington, who made the trip in

[1] This was dated at Washington January 7, 1840.

one day (then a great achievement), to have the proper correction made. The occasion of this haste was that the Secretary of State, at the instigation of the Spanish minister and with the approval of the President, had instructed the agents of the government to act with such despatch in putting the Africans on board the *Grampus* as to prevent their friends from getting a writ of *habeas corpus*.

When despatching his special messenger the district attorney had said to the Secretary of State: "The marshal wishes me to inquire whether in the event of a decree requiring him to release the negroes, or in case of an appeal by the adverse party, it is expected the executive warrant will be executed?" And Mr. Forsyth replied in these words:

> With reference to the inquiry from the marshal, I have to state, by direction of the President, that, if the decision of the court is such as is anticipated, the order of the President is to be carried into execution, unless an appeal shall actually have been interposed. *You are not to take it for granted that it will be interposed.*

There is no mistaking the meaning of this language. The negroes were to be put on board the *Grampus* instantly.

But the court disappointed these confident expectations, and Lieutenant Paine, doubtless to his great satisfaction, was relieved of the duty of making a trip to Cuba. The decision of Judge Judson was, that Ruiz and Montez had established no title to the Africans, as they had been imported from Africa in violation of the laws of Spain; that the demand of restoration to have the question tried in Cuba, made by the Spanish minister, could not be complied with, as by their own laws it was certain they could not enslave these Africans, and therefore could not properly demand them for trial; and that the Africans should be delivered to the President of the United States, under the act of March 3, 1819, to be transported to Africa.[1]

Free and yet not free. By direction of the Secretary of

[1] *Niles's National Register*, vol. lvii., p. 352.

State the case was carried up to the Supreme Court by the government of the United States, for the Spanish minister.

The hearing, which was towards the close of February, 1841, was looked forward to with great anxiety by the thoughtful of both sections. Mr. Adams volunteered to appear as counsel for the Africans. With him was associated Governor Baldwin of Connecticut, who had so ably argued the questions involved before the District and Circuit Courts. The scene at the trial was calculated to make a deep impression,—"the vast audience, the solemn bearing and dignity of the court and officers, all conspired to render the proceeding one of high moral sublimity."

After Mr. Adams had spoken one day, the proceedings were interrupted by the sudden death of Judge Barbour, who had been present at the hearing of the case. On the 1st of March, Mr. Adams resumed speaking with a power and eloquence remarkable even for him. His arraignment of the Secretary of State, the Attorney-General and the Spanish minister was very severe. He had sought to avoid this duty, as his personal relations with these gentlemen were cordial, by requesting the President to withdraw the appeal and let the judgment of the lower courts stand. Mr. Van Buren refused. The result was such an indictment of his administration as he must have regretted in his retirement.

The court, which had a majority of members from the slave States, after due consideration, on the 9th March, rendered a decision sustaining that of the District and Circuit Courts of Connecticut in every particular save one, namely, that which ordered the negroes to be delivered to the President of the United States to be transported to Africa, which was reversed. The Africans were declared to be free, and the Circuit Court was instructed accordingly.[1] Justice Story delivered the opinion of the court. Thus ended this highly interesting and important case.

[1] The full text of the decision may be found in 15 Peters, and in *Niles*, vol. lx., pp. 40–42. Three years later an attempt was made to appropriate $70,000 from the public treasury for the benefit of Ruiz and Montez, but it failed.

Pending the hearing of the *Amistad* case, the Spanish minister had expressed satisfaction with resolutions adopted by the Senate at the instance of Mr. Calhoun on the 15th of April, 1840, which set forth the ex-territorial jurisdiction of a State on the high seas in time of peace; and declared that when a ship or vessel should be forced, by stress of weather or other unavoidable cause, into the port of a friendly power, such ex-territorial jurisdiction would be extended over the "vessel, cargo and persons on board with their property, and all the rights belonging to their personal relations."

These principles were supported by Mr. Calhoun in an argument displaying great logical power as applied to the contention of the British government in the case of the brig *Enterprise*, which in 1835, while engaged in the coast slave trade, was forced by stress of weather into Port Hamilton, Bermuda, where the slaves were protected by the local authorities in the assertion of their freedom. Compensation for the owners had been demanded by our government in this case, as in the cases of the *Comet* and the *Encomium*, which had occurred previously, and had been refused by the British government, although allowed in the other two cases. The reason given for the difference was, that "before the *Enterprise* arrived at Bermuda, slavery had been abolished in the British Empire," and that "the negroes on board the *Enterprise* had, by entering within the British jurisdiction, acquired rights which the local courts were bound to protect."

Mr. Calhoun admitted that if they had entered voluntarily, they would have been subjected to the laws of Great Britain, and would have been entitled to freedom; but they entered from necessity, and therefore the law of nations as to property so placed by stress of circumstances, Mr. Calhoun contended, applied.[1] He charged the British government with inconsistency in allowing compensation in two cases and refusing it in the third. He could see no difference in principle. The claim in each case was for compensation for loss of property. The statement of the British representative "that there is a

[1] Speech, March 13, 1840. *Works*, vol. iii., p. 469.

distinction between the laws bearing on the personal liberty of man, and laws bearing on the property which man may claim in irrational animals or inanimate things," became the impregnable basis of British argument in all future contentions.

Shortly after this a case arose in which Mr. Webster, as Secretary of State,[1] upheld Mr. Calhoun's propositions, and placed the government of the United States in the position of squarely contending that slaves were recognized as property by the Constitution, and of defending that traffic in man which the two nations in 1814 solemnly denounced as "irreconcilable with the principles of humanity and justice." Mr. Webster appears to better advantage in his correspondence with Lord Ashburton, wherein he states the principles of international law.

The case is that of the *Creole*, an American brig, which sailed from Richmond, October 27, 1841, with a cargo of one hundred and thirty-five slaves for the New Orleans market. Of this number was a man named Madison Washington, a fugitive slave who had returned from Canada to Virginia to secure the release of his wife, had been retaken and sold for transportation. He made confidants of eighteen others, and on the 7th of November, at their head, attacked the crew, and after a struggle in which the captain was wounded and a slave trader killed, obtained possession of the vessel. Washington commanded the mate to steer for Liberia, but on being informed that their provisions and water were insufficient for such a voyage, he changed the destination to Nassau. There all of the negroes with the exception of the nineteen, with the aid of the local authorities, obtained their freedom. The surrender of Washington and his companions engaged in the capture of the vessel was demanded by the captain, to be brought back to the United States for trial. The authorities refused, but imprisoned the men until the wishes of the home government should be known.

This case created great excitement in the South, and received the prompt attention of our government. It is one of

[1] Correspondence with Edward Everett, American Minister in London.

considerable interest in the history of the slavery controversy, as it involved the question of property in man; whether the flag of the United States extended the municipal law of Virginia on the high seas beyond the territorial limits of the State; and whether international law protected the slave trade. When the subject came up for discussion in the Senate, Mr. King of Alabama spoke of it "as this *great and paramount question.*" Mr. Barrow of Louisiana said that "Great Britain had undertaken to draw a distinction between property in slaves and other property, goods, wares and merchandise," and unless the government secured protection under the law of nations, they would be compelled to fit out cruisers to destroy Nassau and other similar ports.[1]

Mr. Webster, in his correspondence with Lord Ashburton, presented the American view of the application of international law to this and similar cases. He disclaimed on behalf of the United States any purpose to introduce a new principle into the law of nations. They required only an exact observance of the injunctions of that code as understood in modern times. The maritime law was full of instances of the application of "that great and practical rule which declares that that which is the clear result of necessity ought to draw after it no penalty and no hazard." He then affirms in the strongest terms the ex-territorial rights of vessels entering friendly ports, instancing the rule applied to merchant vessels engaged in commerce in support of those rights. "A ship though at anchor in a foreign harbor preserves its jurisdiction and its laws." For any unlawful acts done by her while thus lying in port, and for all contracts entered into, she would be answerable to the laws of the place.[2] It would not be claimed that if a vessel of necessity entered a foreign port, the local law would "so attach to the vessel as to affect existing rights of property between persons on board, whether arising from contract or otherwise." "The local law in these cases [slave ships] dissolves no obligations or relation lawfully entered into or lawfully existing according to the laws of the

[1] Congressional Debates. [2] *Works*, vol. vi., p. 306.

ship's country." Marriages were frequently celebrated in one country in a manner not lawful in another; but their validity could not be questioned if the parties should visit a country in which marriages were required to be celebrated in another form.

It may be said that, in such instances, personal relations are founded in contract and therefore to be respected; but that the relation of master and slave is not founded in contract, and therefore is to be respected only by the law of the place which recognizes it. Whoever so reasons encounters the authority of the whole body of public law from Grotius down; because there are numerous instances in which the law itself presumes or implies contracts; and prominent among those instances is the very relation which we are now considering, and which relation is holden by law to *draw after it mutuality of obligation.*

This was pushing the argument of the slaveholder to the very extreme. As slavery existed by the law of force, how could there exist mutuality of obligation?

As to the rule of English law: When a slave comes within the exclusive jurisdiction of England he ceases to be a slave, because the law of England positively and notoriously prohibits and forbids the existence of such a relation between man and man.

But it does not mean that English authorities, with this rule of English law in their hands, may enter where the jurisdiction of another nation is acknowledged to exist, and there destroy rights, obligations and interests lawfully existing under the authority of such other nation. No such construction and no such effect can be rightfully given to the British law.[1]

The government of the United States could not consent to such construction, or to the exercise of any such power. It was not expected that slaves escaping to British territory would be restored. But slaves on board of American vessels

[1] *Works*, vol. vi., p. 309.

lying in British waters were not within the exclusive jurisdiction of England, or under the exclusive operation of English law; and this made the distinction between the cases.[1]

The British government kept that right in view, however, and also held to the principle of ex-territoriality in all contentions with other governments relating to escaping slaves.[2] In the end that government paid the claims under the following circumstances: During the administration of Mr. Fillmore the two governments entered into an agreement to submit all disputed claims existing between them to arbitrators, and in case of their disagreement an umpire was to be selected. The two arbitrators failing to agree, submitted to an umpire the claims for loss of slaves on board the *Enterprise* and the *Hermora*, who decided in favor of the United States. "Thus did the resolutions of Mr. Calhoun, for which neither Mr. Webster nor any Northern Whig dared vote, in the short space of twelve years become a part of international law so far as concerned the relations of England and the United States,"[3] despite the solemn declaration of the Treaty of Ghent.

On the 25th of January, 1842, a contest was begun in the House of Representatives, the most remarkable in some respects in the history of that body,—a contest, the result of which was the abandonment of the policy of suppression, and the re-establishment of the rights of petition and freedom of discussion. The political campaign of 1840 had given the Whigs in the Twenty-seventh Congress a majority of seven in the Senate and of forty in the House. John White of Kentucky, an able and fair-minded man, was elected Speaker of the House, which convened in special session May 31, 1841, and he gave early evidence of his broad-mindedness by

[1] *Works*, vol. vi, p. 311.

[2] A controversy arising with Turkey as to the right of a British officer to give protection to a slave escaping to his vessel in Turkish waters, the subject was referred to commissioners, who agreed "that a British officer could not lawfully be called upon to give up a fugitive in any case where the result of surrendering him would be to expose him to ill usage."—See *International Law*, by Henry Sumner Maine, p. 88.

[3] Giddings, *History of the Rebellion*, p. 380.

appointing Mr. Adams chairman of the Committee on Foreign Affairs, and Mr. Giddings chairman of the Committee on Claims.

The 21st Rule was continued, but it was doomed to speedy extinction. On the 25th of January, 1842, Mr. Adams presented a petition signed by forty-six citizens of Haverhill, Mass., praying Congress to adopt immediate measures for the peaceful dissolution of the Union, for these reasons:

> First, because no Union can be agreeable or permanent which does not present prospects of reciprocal benefits. Second, because a vast proportion of the resources of one section of the Union is annually drained to sustain the views and course of another. Third, because, judging from the history of past nations, if the present course be persisted in it will overwhelm the nation in utter destruction.

Mr. Adams moved to refer the petition to a select committee of nine members, with instructions to report an answer to the petitioners, showing the reasons why the prayer of their petition could not be granted.

If the hot-headed members of the South had voted for Mr. Adams's motion, the incident would have ended with a report from the matchless pen of Mr. Adams in defence of the Union on broad and patriotic grounds. But a legislative body is an aggregation of men with such varieties of individual character and disposition as one meets with in every walk of life. At this time, blind, unreasoning passion was in the ascendant, and a fatal mistake was made by the leaders which placed them at the mercy of the Nestor of Quincy. A resolution to censure him was promptly introduced by Mr. Gilmer of Virginia, which was on the table when the House adjourned. At a meeting of members from the slave States held that night, Thomas F. Marshall, a Whig member from Kentucky, was prevailed on to lead the assault on Mr. Adams. More ungracious service never fell to the lot of man. Mr. Marshall was a nephew of the great Chief Justice, a man of brilliant promise, who had entered Congress with an ambition to

distinguish himself. He never ceased to regret his temerity on this occasion. He spoke with surpassing eloquence, but he and all the others engaged in the assault on the venerable ex-President, whose great experience, extensive learning and intellectual endowments made him the most formidable foe of his day, were mere pigmies.[1] The best description of the closing scene of the conflict is contained in a letter written by Mr. Giddings to his wife, February 6, 1842:

Mr. Adams has spoken three days. He has won the friendship of the entire Whig party of the North, disarmed the Loco-focos of a portion of their hatred, conciliated the feelings of many, and has shown up the manner in which the slave interest has insidiously crept into our whole policy, subsidized our papers, poisoned our literature, invaded the sanctity of the post-office, degraded our patriotism, taxed the free labor of the North, frightened our statesmen and controlled the nation. He is, I believe, the most extraordinary man living; but I cannot attempt a description either of him or his speech. Suffice it to say that he has made the entire South tremble before him. The power of his eloquence has exceeded any conception which I have heretofore had of the force of words or logic. He has, in my opinion, opened a new era in our

[1] In the preamble to his resolutions, Marshall charged Mr. Adams with "high treason." In his defence, Mr. Adams said: "Now, thank God, the Constitution has defined high treason, and it was not left for the gentleman from Kentucky, nor for his puny mind, to define the crime, which consists solely in levying war against the United States, or lending aid and comfort to their enemies. I have presented a respectful petition from my constituents; I have done so in an orderly manner, in the regular course of business, in obedience to my sworn duty, and the gentleman calls this levying war! Were I the father of that young man I could feel no more anxiety for his welfare than I do now; but if I were his father I would advise him to return to Kentucky and take his place in some law school, and *commence* the study of that profession which he has so long disgraced."

"Soon after the scene above described, he [Marshall] came across the hall and addressing Hon. John Campbell, of South Carolina, who was sitting near the author, said, 'Campbell, I wish I were dead.' 'Oh, no,' says Campbell; 'you are too sensitive.' 'I do,' said Marshall; 'I would rather die a thousand deaths than again to encounter that old man.'"—Giddings, *History of the Rebellion*, p. 166.

Mr. Adams, who liked young Marshall, took occasion shortly after this encounter to pay him a compliment in the House, which salved his wounded vanity and brought about a renewal of friendly intercourse. See *Memoirs*, vol. xi.

political history. I entertain not the least doubt that a moral revolution in this nation will take its date from this session of Congress. I am confident that the charm of the slave power is *now broken.*— The trial has excited such intense interest that the Senate has for a day or two been almost deserted. Senators sit in the hall during the whole day, listening to Mr. Adams. Lord Morpeth has been steadily there since the commencement of the conflict, a silent but interested listener during each day.[1]

There was nothing left for the assailants but to accept a humiliating defeat, and, on a motion of Mr. Botts—considerately made for his Southern friends, for Mr. Botts supported Mr. Adams,—the whole subject was laid on the table by a vote of 106 to 93. The trial had greatly exhausted Mr. Adams physically, but apparently not intellectually. He found great satisfaction in the able support he received from Mr. Underwood of Kentucky, Mr. Arnold of Tennessee, and Mr. Botts of Virginia, who did not approve of the policy adopted by a majority of the Southern members.

On the 21st of March following, Mr. Giddings introduced a series of resolutions relating to the case of the *Creole*, to which the attention of the British government had been called by Mr. Everett, the American minister, and which had received attention in the Senate. These resolutions affirmed principles antagonistic to the resolutions of Mr. Calhoun in the case of the brig *Enterprise*, which had been fully discussed; but because of opposite principles, and because justifying the attempt of Madison Washington and his companions to regain their liberty, the leaders in the House decided there should be no discussion on them, and that a vote censuring their author should be passed notwithstanding he had withdrawn the resolutions at the request of Mr. Fillmore. Mr. Botts was the leader in this course of violence. As Virginia would not be reached in the call, the resolutions he drew up were presented by John B. Weller of Ohio,[2] who at once

[1] *Life of Joshua R. Giddings*, p. 110.

[2] Weller, "the rankest Five-Points Democrat in the House."—*Memoirs* of J. Q. Adams, vol. xi., p. 192.

moved the previous question. Giddings had no opportunity of being heard in reply.[1] The resolution was adopted by a vote of 125 to 69. The negative included the entire Whig delegation and seven Democrats from the free States, and Underwood and Pope of Kentucky.

As Mr. Giddings withdrew from the hall he met Mr. Clay at the door, who extended his hand to him and with characteristic manliness thanked him for the firmness with which he had met the outrage perpetrated upon him, declaring that no man would ever doubt his perfect right to state his own views against the slave trade, particularly while the executive and the Senate were expressing theirs in favor of it.[2] Mr. Giddings resigned his seat, reported to his constituents, and within five weeks was in his seat again, having been re-elected by upwards of thirty-four hundred majority, and instructed to maintain his rights in the House, and the rights of his constituents.

While this discussion was going on in Congress and between the Department of State and Great Britain, a decision was rendered by the Supreme Court, which incidentally declared that slavery was not recognized by international law, while pronouncing what the law was, so far as it governed the right of the recapture of fugitive slaves. This decision changed the relations of State and national governments to the act of 1793 for the rendition of fugitives, foreshadowed the legislation of 1850, and greatly intensified the excitement in the Northern States.

Reference was made above to the prevalence of kidnapping in the border States, and to the efforts made to prevent the crime through State laws. In 1826 Pennsylvania passed an act for the punishment of kidnapping, which also provided for the returning of fugitive slaves. In 1839 Edward Prigg, of Maryland, carried out of the State of Pennsylvania a colored woman, Margaret Morgan, and her children, who had fled

[1] *An Exposé of the Circumstances which Led to the Resignation of the Hon. Joshua R. Giddings*, p. 34.

[2] *History of the Rebellion*, p. 189.

from servitude in 1832, and delivered them to Margaret Ashmore, claimant, who resided in Maryland. Prigg was brought to trial and convicted of violation of the Pennsylvania statute of 1826. By agreement between the States of Pennsylvania and Maryland, the case was carried to the Supreme Court of the United States. The decision of the court was rendered by Justice Story.[1]

The judgment in this case was: that the Constitution in the clause providing that fugitives from labor shall be delivered up, created a new right over which Congress had exclusive jurisdiction; that the States had no power to legislate on the subject, to qualify or regulate it; that therefore the act of Pennsylvania was unconstitutional and void; that the clause in the Constitution was a national guarantee, was not in a State constitution, did not make requisition upon any State functionaries or any State action to carry its provisions into effect, and the States could not, therefore, be compelled to enforce them[2]; that the national government was bound, through its own proper departments, to carry into effect all the rights and duties imposed upon it by the Constitution; and that although slavery existed by municipal law, yet by the guarantee of the Constitution the rights of the owner which he had in his own State over his fugitive slave were extended to every other State, and he could seize and recapture his slave wherever he might be, whenever he could do it without any breach of the peace or any illegal violence.[3] Would not this reasoning also justify temporary domicile in free States with slaves?

Chief Justice Taney, in a dissenting opinion, said: "If the State authorities are absolved from all obligation to protect their right [to recapture], and may stand by and see it violated,

[1] "In the case between Pennsylvania and Maryland, I delivered the opinion at the solicitation of my brothers, who adopted unanimously my first draft."—Story before Harvard Law School, as reported in the diary of Rutherford B. Hayes, while a student.

[2] "This act [1793], therefore, in its leading provisions is clearly constitutional—with the exception of that part which confers authority upon State magistrates."

[3] Prigg *vs.* the State of Pennsylvania, 16 Peters.

without an effort to defend it, the act of Congress of 1793 scarcely deserves the name of a remedy."

Justice McLean dissented from the opinion of the court, believing that it was a dangerous infringement of personal liberty. This became the general belief in the North, and Justice Story was severely criticised for his share in this business. Some years afterwards, in his charge to the jury in the South Bend fugitive slave case, in May, 1850, Judge McLean said:

> Under the act of 1793, the master or his agent, had a right to seize his absconding slave wherever he might be found, not to take him out of the State, but to bring him before some judicial officer of the State, or of the United States, within the State, to make proof of his right to the services of the fugitive. But by the decision in the case of Prigg *vs.* the State of Pennsylvania, the master has a right to seize his slave in any State where he may be found, if he can do so without a breach of the peace, and without any exhibition of claim, or authority, take him back to the State from whence he absconded. Believing that this remedy was not necessary to the rights of the master, and, if practically enforced, would produce great excitement in the free States, I dissented from the opinion of the court, and stated my objection with whatever force I was able.[1]

What Judge McLean foresaw as to the effect of seizures, without warrant, on public sentiment, was quickly confirmed. On the 22d of April, 1842, nine slaves escaped from Kentucky into Ohio and found refuge on Walnut Hills, Cincinnati. Soon thereafter friends prevailed on a worthy farmer named John Van Zant, who was returning home from market, to

[1] This charge will be found in full in the *Western Law Journal* and other law journals of the day. A very full abstract is given in a pamphlet, *The South Bend Fugitive Slave Case, Involving the Right to a Writ of Habeas Corpus*, 1851. The pamphlet contains a history of the case, one of the many exciting episodes of the sectional contest, and severely arraigns Judge McLean for not disregarding the law as settled by the Supreme Court in the case of Prigg. A number of colored people domiciled in Michigan were seized and hurried out of the State without a hearing. Some citizens of South Bend, Indiana, interfered, and thereby laid themselves liable for the value of the slaves rescued. Suit followed in Indiana; the jury brought in a verdict against the defendants, assessing the damages at $2,856.

carry the negroes in his wagon to Lebanon. One of the slaves acted as driver. When fifteen miles from Cincinnati they were met by some ruffians, who, suspecting that the negroes were fugitive slaves, attempted to arrest them. Two escaped, the others were taken back to Kentucky. The men were tried for kidnapping, and being ably defended by Thomas Corwin, were acquitted. But it went hard with Mr. Van Zant, who was arrested, imprisoned and sued by the owner of the slaves, for harboring and concealing them. The trial was before Judge McLean of the United States Circuit Court, and excited great public attention. Salmon P. Chase and Thomas Morris volunteered as counsel for the defendant, but the rulings of the court were strong against him, and an adverse verdict was rendered. The amount of damages swept away the most of Mr. Van Zant's property. The case was appealed to the Supreme Court, and before it was ended Governor Seward came into it, associated with Mr. Chase, while Senator Morehead of Kentucky was counsel for the owner. The finding of the court below was sustained. The questions involved in this case, the rigid rulings of Judge McLean under the opinion in the Prigg case, the amiable character of Mr. Van Zant, who was the original of the benevolent John Van Trompe in *Uncle Tom's Cabin*, the severity of his treatment, and the eminence of the counsel on both sides, gave to it great popular interest.[1]

[1] "Honest old John Van Trompe was once quite a considerable landholder and slave owner in the State of Kentucky. Having 'nothing of the bear about him but the skin,' and being gifted by nature with a great, honest, just heart, quite equal to his gigantic frame, he had been for some years witnessing, with repressed uneasiness, the workings of a system equally bad for oppressor and oppressed."—*Uncle Tom's Cabin*, chap. ix.

John Van Zant removed to the Miami Valley in 1828, and settled on a rich and beautiful farm just south and west of Sharon, Hamilton County, Ohio. Here he built his home and named it Mt. Pierpont, from which none needing assistance was ever turned away. His views of duty were expressed in these words: "The highest Christian duty is that of extending a helping hand to the poor and down-trodden, whether of the family of Japhet or Ham, and the performance of such duties is the great evidence of a Christian faith." He died before his property was sold to meet the execution of the decree of court. He was buried in Spring Grove Cemetery, and the stone marking his grave bears an inscription written by Salmon P. Chase.

In October, 1842, George Latimer, who had escaped from Virginia, was seized in the city of Boston, without warrant, at the request of James B. Grey, of Norfolk, who claimed him as his slave. A writ of *habeas corpus* was sued out in his favor, and then ensued a contest which assumed national proportions. The courts and officials were friendly to the claimant, but public feeling against the slave system, which thus invaded the streets of Boston, found expression, though not without a contest with the mob representatives of the commercial interests. It was at an interrupted meeting in Faneuil Hall, when the mob sought to suppress the freedom of speech, that Wendell Phillips exclaimed: "When I look upon these crowded thousands and see them trample on their consciences and the rights of their fellow men at the bidding of a piece of parchment, I say, 'My curse be upon the Constitution of these United States!'"[1] A fund was raised and the freedom of Latimer purchased.

Public feeling in Massachusetts was stirred to the very depths. The Legislature, which was Democratic, passed an act making it a penal offence for any State officer or constable to aid in any way in carrying the law of 1793 into effect, or to confine any person claimed under it in the jails or prisons of the State. Similar action was taken in other States. Mr. Adams, who for ten years had been fighting the battle for the right of petition, relaxed not in his effort. A petition signed by fifty thousand of the citizens of Massachusetts, praying for such laws and amendments to the constitution as would relieve that State from all further participation in slavery, and resolutions adopted by the Legislature proposing an amendment to the national Constitution, so as to base representation upon free persons, were laid by him before the House, causing great agitation in that body.

The situation of the conscientious and benevolent master, and of religious societies in the heart of the South when slavery agitation had intensified sectional feeling, was both a delicate and difficult one. Correspondence with Southern

[1] *The Rise and Fall of the Slave Power in America*, vol. i., p. 479.

ecclesiastical bodies under the direction of the General Association of Massachusetts, in 1844, revealed the state of feeling and apprehension more clearly than any other effort to get at public sentiment. Some bodies refused to reply, but others replied at considerable length and apparently with great frankness.

The Presbytery of South Alabama said that the number of slaves rendered "immediate emancipation not only dangerous to themselves, but doubly so to the safety of the white population"; that the efforts of Abolitionists had awakened fear in the slaveholder for his personal safety and the safety of his property, "thus combining every class of men, Christian and unbeliever, to hold them in closer bondage for common safety"; that this feeling had led to rigorous legislation. In Alabama, any person teaching a free person of color to read or write incurred a penalty of $500. The laws prohibited the assembling of slaves in numbers exceeding five, except on their owner's premises, under pretence of any religious service, and prohibited any negro from preaching unless five slaveholders were present. Patrol laws, which had been enacted, were executed with increased rigor, and privileges once permitted were now denied.

Laws had been enacted which forbade any one to free or emancipate a slave within the State except by special legislative enactment, "and that, too, on the ground of some extraordinary act on the part of the slave. Thus, if every man in the State were to leave slaves free, the laws would still hold them in bondage."

The correspondence deprecated the course of the Abolitionists, and concluded as follows:

> We who dwell in the midst of the slave population, and who ought to be as much respected for our piety and our opinions as those at a distance, see the fatal results and mourn over them as they spread desolation over the spiritual and temporary welfare of the slave. We have remonstrated and expostulated with our brethren of the North, but expostulations have been unheeded, and

treated with contempt, or our motives resolved into mere cupidity and avarice. You have asked us to advise as to your relation and duty, and how the emancipation of the slaves is to be effected. Our answer to this inquiry is, we exhort you to let it alone—as every step you have already taken has only rendered the condition of the slave worse than it ever has been, and has more firmly riveted the chains of bondage, and can never reach the object before you. We for ourselves feel constrained to act as we are now doing, not to touch or meddle with the subject of slavery as a moral or political evil, until God, in his providence, shall open the way before us to act, should he design their emancipation.

The Presbytery of West Tennessee said that a

large majority of the South view slavery as a great political evil, and few will be found who believe the system has any foundation in justice or righteousness. Many are anxious to wipe forever from our political and religious character this foul blot; but how this is to be done, so as to secure the best interests of all concerned, we have not yet found out.

The Southern and Western Liberty Convention, held at Cincinnati on the 11th and 12th of June, 1845, was a remarkable body. Fully two thousand people were in attendance. Nearly all of the free States were represented, Virginia and Kentucky and the territories of Iowa and Wisconsin. The high character of the delegates and the dignity of the proceedings made a profound impression on public opinion. It was evident that the election of James K. Polk and the prospect of new slave States and a war with Mexico had not served to allay excitement and anxiety in the North, but had intensified the feeling in favor of restricting the power of the institution of slavery. James G. Birney presided, and Salmon P. Chase, just coming into prominence as a leader of the Free Democracy, was chairman of a committee appointed to address the American people.

The pamphlet edition of the address written by Mr. Chase had as a text "Principles and Measures of True Democracy."

The method of treatment showed a skilful political hand. The non-slaveholders of the slave States were asked to consider what interest they had in the system of slavery. What benefit did it confer on them? What blessing did it promise to their children? Slavery hindered their prosperity. It prevented general education. It paralyzed industry and enterprise. It destroyed the morals of a community. It sought to deprive non-slaveholders of political power. It degraded and dishonored labor. In what country did an aristocracy ever care for the poor? When did slaveholders ever attempt to improve the condition of the free laborer? "White negroes" was the contemptuous term by which Robert Wickliffe of Kentucky designated the free laborers of his State. Chancellor Harper, of South Carolina, declared that, "so far as the mere laborer has the pride, the knowledge, or the aspiration of a freeman, he is unfitted for his situation"; and Governor McDuffie, of the same State, went so far as to say that "the institution of domestic slavery supersedes the necessity of an order of nobility and the other appendages of an hereditary system of government."

These facts were calculated to make the farmer, the mechanic and the laborer of the North think, as well as the non-slaveholder of the slave States. That they should influence political action was inevitable. "We would not invade the Constitution," was the language of the address, "but we would have the Constitution rightly construed and administered according to its true sense and spirit."

Though these questions were addressed to the non-slaveholders of the South, the writer had a broader purpose. He knew it to be possible to reach the non-slaveholders of West Virginia and portions of Tennessee and Kentucky, where there was already prevalent a feeling of repugnance to slavery, but he knew likewise that elsewhere the aristocracy received a strong and reliable support from that class of poor whites who were most injuriously affected by the slave system. The more aggressive the slaveholders became in their purpose to extend the system to new territories; the harsher and more cruel the

regulations with which the system was hedged about, the more devoted became the support of the non-slaveholders. Cut off from the means of education for themselves and children, cut off from any possible chance of a rise in the social scale, and deprived of any participation in the administration of public affairs, yet they applauded every act calculated to perpetuate their own dead-level existence. They were citizens, voters, a part of a political body in which there was no equality of rights, which was far removed from true democracy. Where shall be found a full explanation? The chief purpose Mr. Chase had in view in addressing the non-slaveholders, was to influence the political action of the intelligent working classes of the North, by bringing into sharp contrast the two systems of social order. It was the policy of the anti-slavery leaders to press this issue to the front. Hence, when the McDuffies and Davises of the plantations talked about "an order of nobility"; when they declared that the condition of slavery was the happiest relation that labor could sustain to capital, they promoted the scheme of the new leaders coming to the front in the North.

The few thousand anti-slavery votes cast by the citizens of New York in the election of 1844 resulted in the defeat of Henry Clay, with the certainty that the election of his opponent involved a war with Mexico and an extension of slave territory. This was the view taken by a vast majority of the people North and South who hoped to see some plan adopted to minimize the evils of domestic servitude. "Could Texas be obtained and slavery established there," said Mr. Upshur (afterward Mr. Tyler's Secretary of State) in the Virginia convention in 1829, "it would be greatly to our advantage by raising the market price of our slaves," which increase was placed as high as fifty per cent. by competent authority. With only about three or four slaves to the square mile, the three hundred thousand masters yet demanded room for development. To secure this end the skill and energy of the executive department were now exerted.

When Mr. Webster had brought to a successful termination

his negotiations with Lord Ashburton in the Treaty of Washington, he retired from the Department of State and was succeeded by Abel P. Upshur, of Virginia, who zealously pursued the policy of acquiring Texas. The friends of Mr. Tyler hoped this might make him the Democratic candidate in the approaching presidential election. The sudden and tragical ending of Mr. Upshur's career threatened to interrupt the scheme; but Mr. Calhoun was persuaded to take the office. He saw an opportunity to serve the South and at the same time to be revenged upon his old enemy, Martin Van Buren, whose nomination was confidently expected and desired by a majority of the Democracy of the country. The master mind of the South Carolinian drew from Mr. Van Buren an expression of opinion against the annexation of Texas, and then consolidated the vote of the South in the national convention against him. His enemy fell before the rule requiring a vote of two-thirds to nominate.[1]

We must conclude that Mr. Calhoun did not expect that the annexation of Texas, which he promoted with zeal and ability, would lead to a war with Mexico; otherwise he would be open to a charge of inconsistency.[2] Delay would have effected annexation without conflict. The United States had only to wait for peace between Mexico and Texas, which was on the point of being signed in January, 1844, under the mediation of Great Britain and France, when Texas and the United States would have been the only parties in interest. But President Tyler's purposes led to the adoption of a tortuous course. The "administration broke up the peaceful negotiations, dispersed the ministers, assumed the war, and placed the army and navy under the control of the President of

[1] "If we cannot get Texas with Mr. Van Buren's aid, we must obtain it without his aid."—Gen. Jackson, reported by A. J. Donelson. See Parton's *Life of Jackson*, vol. iii., p. 675 *et seq.*

[2] The credit afterwards taken to himself by Mr. Calhoun did not please Tyler. See *Letters and Times of the Tylers*, vol. ii., p. 417. Mr. Tyler and Mr. Calhoun both disapproved of the Polk administration and sought to make it responsible for the war that followed their intrigues. *Ibid.*, p. 416.

Texas to fight Mexico."[1] There was a truce when Mexico saw that Congress rejected a treaty for annexation, only to be broken again during the closing hours of Mr. Tyler's administration.

Upon the defeat of the treaty, Milton Brown, at the instigation of the Tyler administration and with the approval of Mr. Polk, introduced in the House a joint resolution declaring the terms on which Congress would admit Texas into the Union as a State, which was adopted by that body. When it reached the Senate, Mr. Tappan and other Democratic Senators that favored Mr. Benton's plan of negotiation were prevailed on not to vote to reject the resolution, but to amend it by incorporating the Benton bill as an alternative proposition left to the discretion of the President. Before agreeing to this, Mr. Polk was seen and a pledge secured from him that he would adopt the plan of negotiation. A secret agent was despatched to Texas, in the closing hours of that administration, with the House resolution—which "slammed the door of conciliation in the face of Mexico, and inflamed her pride and resentment to the highest degree."[2] It was in this manner the annexation of Texas was consummated. There was a state of war existing between that country and Mexico. "Under those circumstances," said the venerable Albert Gallatin, "there is not the slightest doubt that the annexation of Texas was tantamount to a declaration of war against Mexico."[3] The formal action taken by Congress later misrepresented the facts.

The details of that war need not find a place in our narrative. Only the political results interest us. Notwithstanding the brilliant achievements of our armies in the field, there was ever present at home a feeling of anxiety. In the Congressional elections the administration was defeated, and the

[1] Speech of Col. Benton at St. Louis, printed in the *Republican*.

[2] Col. Benton's St. Louis speech.

[3] *Writings of Gallatin*, vol. iii., p. 562. "In one year from the annexation of Texas the nation was plunged into a war of devastation and bloodshed, which cost the expenditure of three hundred millions of treasure and eight thousand lives."—Giddings's *History of the Rebellion*, p. 253.

Whigs obtained a majority. It was the vision he saw, in which were the shadowy outlines of fraternal strife, that caused Mr. Calhoun to forebode disaster if the war were prosecuted to the extent of acquiring additional territory. It was the iniquity of this raid on a sister republic, the belief that a nation ought never to go to war for a profitable wrong, that moved Mr. Corwin, the eloquent Senator from Ohio, in his speech of February 11, 1847, to stigmatize the war, from his place in the Senate, as "a crime of such infernal hue that every other in the catalogue of iniquity, when compared with it, whitens into virtue"; and then contemplating the possibility of what the Senator from South Carolina feared,—when the States of the Union should plunge into the bottomless gulf of civil strife,—he added these solemn words of prophetic warning: "We stand this day on the crumbling brink of that gulf—we see its bloody eddies wheeling and boiling before us."

The annexation of Texas was complicated with the Oregon question in a way dear to the heart of the practical politician. That territory in the far northwest was in controversy between the United States and Great Britain, and the two governments were in joint possession under the convention of 1827. There had been frequent attempts to come to an agreement, the British government proposing the Columbia River, and our government offering the forty-ninth parallel, as the dividing line, without success. As American settlers on the Willamette and at Astoria increased in number and discovered the possibilities of the country, the Western States demanded that notice of the termination of the joint occupancy should be served on Great Britain, and the American right of sole possession defended. The able politicians of the Democratic party who were promoting the scheme for the absorption of Texas, kept the Oregon question well to the front, and made it conspicuous in the campaign of 1844.

At a meeting of citizens of Cincinnati, opposed to the annexation of Texas, held on the 29th of March, a committee was appointed to correspond with the prominent men aspiring to the presidency, and to obtain an expression of opinion on

that question. Mr. Polk declared that he was in favor of the immediate re-annexation of Texas.

> Let Texas be re-annexed, and the authority and laws of the United States be established and maintained within her limits, as also in the Oregon territory, and let the fixed policy of our government be not to permit Great Britain or any other foreign power to plant a colony or hold dominion over any portion of the people or territory of either.[1]

This paragraph became the last plank in the platform of the Democratic party, adopted at Baltimore in May following. The terms "re-occupation of Oregon" and "re-annexation of Texas," expressing a purpose to regain territory unjustly separated, were employed and were calculated to appeal to popular prejudice.

Mr. Polk in his inaugural address re-affirmed the claim made by his party in the national canvass to the whole of Oregon to 54° 40′ north latitude, but quickly had to abandon this position to avoid complications with Great Britain in Texas, and a war with that country, which an attempt to occupy the whole of Oregon would probably have caused. He was rescued from the awkward position in which he had been placed, by the diplomatic skill of Mr. Buchanan, his Secretary of State, who adroitly secured from Mr. Pakenham a proposition on behalf of the British government to make the forty-ninth parallel the dividing line, three times offered by our government and three times rejected by England. The President on being advised by the Senate to accept the proposition made a treaty based on it.

During a discussion of the question in the Senate, the subject of slavery, which would not down at any man's bidding, became prominent. The Democratic Senators of the North, who had employed the party cry, "Fifty-four forty or fight," during the presidential canvass, found themselves much embarrassed by the readiness with which the administration

[1] The letter was addressed to S. P. Chase, Thos. Heaton and others, Committee. The word "re-annexation" expressed the claim that Texas was a part of the Louisiana purchase.

abandoned that position. If Oregon "was adapted to the production of sugar and cotton," sarcastically exclaimed Senator Hannegan of Indiana, "it would not have encountered the opposition it has met here; its possession would have been at once secured, for that very opposition would have composed its warmest support."[1] But it was not needed for the protection of the peculiar institution, although Mr. Calhoun argued that the Constitution carried it there, despite Congress, despite territorial inhibition, and the North found consolation for the loss of all of Oregon north of the forty-ninth parallel, in the reflection that slavery was excluded from the territory.[2]

[1] Speech, Feb. 16, 1846. Pamphlet, p. 8.

[2] The claim of the United States to Oregon was founded on exploration and on the acquisition of the Spanish title in 1819. The British claim was far less tenable—quite shadowy, indeed. When the Spanish convention of 1790 was under discussion in Parliament, Mr. Fox said that the British right of settlement on the northwest coast was completely undefined in the convention, and that they had given up all right to settle, *except for temporary purposes.—Parliamentary History*, vol. xxviii., p. 995.

Congress provided for a territorial government Aug. 2–13, 1848, but only after a stubborn contest extending over a period of two years. At the first session of the Twenty-ninth Congress, Stephen A. Douglas, chairman of the Committee on Territories in the House, reported a bill organizing the territory of Oregon which went to the committee of the whole. There it was amended by adding the sixth article from the ordinance of 1787 prohibiting slavery, which amendment was approved by the House—yeas 108, nays 44—the latter being made up of the entire Southern Democratic vote, four Northern Democrats, and six Southern Whigs. The bill failed in the Senate. At the second session Mr. Douglas again reported a bill for organizing the territory, and it was now proposed by Mr. Burt, of South Carolina, to qualify the clause prohibiting slavery by inserting as a reason for its incorporation, that the territory of Oregon lay north of 36°, 30′. The object of this motion was to commit the House to the principle of making that the dividing line between free and slave territory to the Pacific coast. It was rejected. The bill as passed by the House was again smothered by the Senate.

In the Thirtieth Congress, Caleb B. Smith of Indiana, a Whig, was chairman of the Committee on Territories. He promptly reported a bill with a clause prohibiting slavery and pressed it to a vote—yeas 128, nays 71—a sectional vote. In the Senate, Mr. Douglas, who had been elected to that body, succeeded in amending the House bill by adding a clause extending the Missouri Compromise line to the Pacific. In this shape it was returned to the House, which body rejected the Douglas amendment, and adhered to the original form. When returned to the Senate that body receded—yeas 29, nays 25. Among the yeas were three Southern Democrats—Benton, Houston and Spruance.

CHAPTER IV

THE WILMOT PROVISO—CLAY, CALHOUN, WEBSTER, IN THE SENATE—THE COMPROMISE OF 1850

DURING the progress of the war with Mexico it became evident that the ulterior object of the administration was the acquisition of territory.[1] "The existing war with Mexico," so reads President Polk's message of December 8, 1846, "was neither desired nor provoked by the United States. On the contrary, all honorable means were resorted to to avert it." And yet, very soon after March 4, 1845, the President had confided to his Secretary of the Navy that one of "the four great measures" of his administration was to be the acquisition of California, and within four months after the inauguration "he gave orders for the seizure and possession of that country."[2] This was a year before actual hostilities began. The interval was employed in making preparations.[3]

[1] "Every battle fought in Mexico," said a writer in the Charleston *Courier*, "and every dollar spent there, but insures the acquisition of territory which must widen the field of Southern enterprise and power in the future, and the final result will be to readjust the whole balance of power in the confederacy so as to give us control over the operations of the government in all time to come. If the South be true to themselves, the day of our depression is gone, and gone forever."

[2] *The Century Magazine*, vol. xli., No. 6. Correspondence of George Bancroft with Gen. John C. Frémont. The whole narrative of General Frémont's is important as to the purpose of the administration.

[3] Senator Henry S. Foote, of Mississippi, in a card printed in the *National Intelligencer*, April, 1849, said that had the Senate passed the civil and diplomatic appropriation bill with the House amendment organizing California as free territory, the bill would have been defeated, as President Polk had already in part

Apprehension of the real purpose of the administration stirred the conservatives everywhere into great political activity. Men of Polk's own party, deprecating the evil influences of slavery, determined to resist its further enlargement. When in compliance with a request of the President, a bill was reported in the House appropriating $2,000,000, "for the purpose of settling the differences with Mexico," a few Northern Democrats decided to force the issue underlying this aggressive war. Accordingly, Mr. Brinkerhoff, of Ohio, drew up a proviso to the bill extending to any territory that might be acquired from Mexico, by treaty or otherwise, the sixth compact of the Ordinance of 1787 prohibiting slavery, which was offered by Mr. Wilmot of Pennsylvania, and which was thereafter popularly known as the Wilmot Proviso.[1]

prepared his veto in anticipation of such a result. A similar statement had been made at an earlier day in the House, by Mr. McClelland, of Michigan.

During this discussion of the territorial question in the House, Feb. 17, 1849, some remarkable statements were made charging the President with double-dealing. Mr. Wilmot, of Pennsylvania, called out by Mr. Stephens, of Georgia, related that the President had sent for him and said to him that the Proviso was giving him great trouble and embarrassment, and if insisted on as an amendment to an appropriation bill would present a serious obstacle in the way of consummating a peace. To Mr. Wilmot's remark that all he wanted was to embody the principle of freedom, and that a joint resolution declaratory of the principle would suffice, the President said, "Mr. Wilmot, bring it forward—it will not be unpopular in Mississippi," and with much earnestness of manner added that, "he did not wish to see slavery extended beyond its present limits."

Mr. Stephens denounced the course of the administration as outrageous and unconstitutional, not a whit better than that of a brigand or a Charles II. "Nothing but the foul spirit of the infernal regions could have stirred up the dark catalogue of usurpations and aggressions which followed the act of the executive" in forcing war upon Mexico. It was proposed to expunge from the journal the declaration that the executive unconstitutionally brought on the war. In his view, it would be a long time before that solemn truth would be expunged.

"The present war with Mexico," said Gen. Houston, "is but a continuation of the Texan war." And the results of the Texan war were accomplished through the instrumentality of the United States. See letter of Martin Van Buren to a member of the Baltimore convention.

[1] Schouler (vol. v., p. 67) says: "Of this famous Wilmot Proviso, David Wilmot, rural Pennsylvanian and Democrat of the last and next House, was unquestionably the author." This is an error. Jacob R. Brinkerhoff, of Ohio, was the author. Several copies of his original draft were made and distributed among the

The amendment was adopted in committee, and on the bill thus amended being reported to the House, it passed by a vote of 85 yeas to 80 nays. It was sent to the Senate in the last hours of the session but never reached a vote.

The principle involved assumed great importance in subsequent discussions. It was universally adopted by the Northern Whigs, and by the Free Soil element in the Democratic party. Mr. Calhoun seized upon it as a means of forcing the issue between the sections. "I would regard any compromise or adjustment of the Proviso," said he in a confidential letter to a friend, "or even its defeat, without meeting the danger in its whole length and breadth, as very unfortunate for us."[1] What he deemed the whole length and breadth is made clear by studying his resolutions of February 19th, 1847, his speech on the Oregon question a year later, and the correspondence of some of his contemporaries. Mr. Calhoun's reasoning led him finally to deny that Congress had power to prohibit slavery in a territory; to deny such power to the inhabitants or legislative organization of a territory. The South asked that the territories be left open without restriction or condition, except that imposed by the Constitution as a prerequisite for admission into the Union. The two sections stood in the relation of partners in a common Union, with equal dignity and equal rights. The South contributed their full share of treasure and blood in the acquisition of territories. Would the North, in open defiance of the dictates of equity and justice, exclude the South from them? Would the South sink down into a state of acknowledged inferiority, and be deprived of an

Free Soil Democrats in the House, with the understanding that whoever could first get recognition from the Speaker should offer it. Wilmot succeeded and won distinction therefor. The original Proviso was in Judge Brinkerhoff's possession until his death in 1880, and to it was added by him an account of its origin. After his death the family, at the suggestion of General Roeliff Brinkerhoff, to whom I am indebted for these facts, deposited it with Mr. Spofford, the Librarian of Congress.

See Howe's *History of Ohio*, vol. iii., p. 161. Also Wilson's *Rise and Fall of the Slave Power*. A reference is made to this by Von Holst, vol. iii., p. 287, note.

[1] Quoted by Benton in his *Thirty Years' View*, vol. ii., p. 695.

equality of rights in this federal partnership? If so they were wofully degenerated from their sires, and deserved to change conditions with their slaves.

The pathos in this appeal did not mislead Southern statesmen holding conservative opinions as to the Carolinian's real motive. The Charleston *Mercury* revealed this when it said that the object of the Proviso was to abridge new States of *certain political power* possessed by the old States. Mr. Webster expressed the point at issue in a word when he said it was a political question. The North was justified in resisting the increase of slave representation, because it gave power to the minority in a manner inconsistent with the principles of our government.[1]

The Proviso promised to prove a source of trouble to both of the great parties. Mr. Buchanan proposed to get rid of it by suggesting the extension of the Missouri Compromise line to the Pacific. General Cass sought to commit the Democracy wholly to the interests of the South in advance of the termination of the war with Mexico. In a letter to A. O. P. Nicholson, of Nashville, he hastened to declare against slavery restriction in the territories, arguing that in no provision of the Constitution was power conferred on Congress to legislate on the subject. This letter advanced the doctrine of popular sovereignty. The Albany *Argus* the organ of the Hunkers of New York and of the national administration north of the Potomac, committed the Democracy of that State to a radical pro-slavery policy, which was a bold challenge to the Barnburners for supremacy. It had been represented to the New York delegation at the Baltimore convention in 1844, that Colonel Polk was a devoted friend of Mr. Van Buren, and in recognition of this friendship the former received the nomination. But Mr. Polk, when he assumed the responsibilities of his great office, could not look to the Barnburners for support for the extreme Southern policy he was inaugurating, and he promptly made his alliance with the other wing of the party in the Empire State. William L. Marcy re-

[1] Speech at the Whig State convention in Boston, Sept. 29, 1847.

ceived a place in the Cabinet instead of the person recommended by Mr. Van Buren and Silas Wright, and henceforth only the Hunker wing was recognized by the administration.[1] This was fitting, because the Barnburners had opposed the annexation of Texas and were pledged to resist the further extension of slavery. Therefore on the opening of the presidential campaign of 1848 the split in the Democratic party of the State of New York assumed national importance.

When the national convention assembled in Baltimore, May 22d, two delegations from New York made application for admission, each claiming to represent the Democracy of that State. An attempt was made to commit the two factions to the action of the convention, by admitting both, giving to them united the right to cast the vote of the State. But the Barnburners—the only delegates present with credentials from a body regularly constituted—who represented the sentiments of the State on the sectional controversy, and who cherished resentments for the sacrifice of their beloved leader, Silas Wright, refused to compromise and withdrew from the convention. They knew that if they participated in the proceedings they would be bound to support the nominees of the convention, who were certain to represent the administration and its extreme Southern policy. The Hunkers, thinking to strengthen themselves at home, refrained from casting the vote of the State. Only the names of administration men were presented, and on the fourth and final ballot Lewis Cass of Michigan was nominated.[2] General William O. Butler of Kentucky, who had won some distinction in the Mexican war, was nominated for Vice-President. The convention rejected the Calhoun dogma of non-interference with slavery in the territories, which was presented in the form of a resolution offered by Mr. Yancey, of Alabama, not from lack of sympathy, but because the political record of the candidate for President in devotion to the behests of the cotton barons was

[1] See vol. iii. of Hammond's *Political History of New York*, which contains full details of the political intrigues of 1844 and throughout the Polk administration.

[2] The vote stood: Cass, 179; Buchanan, 33; Woodbury, 38; Worth, 1; Butler, 3.

more satisfactory to the Southern politicians than any written platform.

The Whig leaders had watched the progress of the war with keen solicitude. When it became apparent that the course of the administration did not command popular approval, they saw an opportunity to restore their party to power. Their predictions had been verified by events. The early elections were decidedly in their favor, which showed the trend of public opinion. The situation for them was one of great delicacy. The Wilmot Proviso was a menace to harmony, in case new territory should be acquired from Mexico. Their true policy, therefore, was to bring about a settlement of the Mexican difficulties, if possible, without territorial indemnity. We shall find them—Mr. Berrien in Georgia, Mr. Webster in Massachusetts, Mr. Clay in Kentucky and Mr. Corwin in Ohio—addressing themselves to the task of educating the people to their views. Mr. Corwin's great speech of February —a speech as great in principle and as transcendent in moral courage as it was splendid in oratorical genius—was the opening gun of the campaign. It electrified the North.[1] It caused men to think; to investigate the origin of the war; to seek to determine upon whom the responsibility should be placed for perverting the functions of the national government to the protection, the support, the extension of slavery beyond the original States to free territory.[2] But it had a broader

[1] "The people are delighted with the speech of Corwin. He has touched the popular heart, and the question asked in the cars, streets, houses, everywhere men assemble is, 'Have you read Tom Corwin's speech?' Its boldness and high moral tone meet the feelings here."—Letter of Henry Wilson, Feb. 24, 1847, printed in the Cleveland *Herald*, Feb. 17, 1879.

"I find, by all the information I can gather, that Mr. Corwin by his late speech has given an impetus to opinion, the force of which he did not in all probability himself foresee."—C. F. Adams to J. R. Giddings, *Life*, p. 199.

"His [Corwin's] speech in February, 1847, against the Mexican war was of extraordinary power, surpassing as an invective against a great wrong—a war wicked at its beginning and in its progress—any ever heard in Congress except Sumner's against slavery."—*Memoirs of Charles Sumner*, vol. iii., p. 154.

[2] "When gentlemen tell me that the Constitution is to protect that species of property, I answer, it is like the protection of the wolf to the lamb. We scorn

purpose. It was an appeal to the national conscience against profitable wrong-doing, against the Viking instinct of the race to seize by force the possessions of a weaker people; it was an appeal to justice as the standard by which nations should square their conduct, and meaning all this it equalled in moral grandeur any speech ever delivered in the Capitol. In another respect it is worthy of high rank, being devoid of the cant of party and vulgar vainglory.

The Whigs of Ohio promptly responded to the bugle-call of their leader, whose fame as an orator was their pride. A mass meeting was held at Lebanon on August 28th, over which the venerable Jeremiah Morrow — trusted friend and party associate of Jefferson, Madison and Monroe—presided. Others of wide distinction in political affairs participated. Thomas B. Stevenson, closely allied to the fortunes of Mr. Clay, who was one of the speakers of the day, declared that Mr. Corwin's speech on that occasion, on the maintenance of the fundamental principle of free government, "was the noblest, whether considered with reference to the matter or manner, or both," he ever heard.[1]

The resolutions adopted at the meeting arraigned the President for usurpation of power, and the "wanton abuse by his administration of sound moral and political principles," which

it. *We deny it.* It is created property by our law, and our own State governments are able to carry that law into effect. We do not ask the aid of any government whatever."—Benton's *Debates*, vol. ix., p. 633.

It is well to keep this declaration of John Randolph's in mind for future reference when Calhoun's "New Dogma" and the Dred Scott decision are reached. He spoke for slavery by authority.

[1] There were times in Corwin's serious moods when it might have been said of him as was said of Burke, that his sentences fell on the ear with the accent of some golden-tongued oracle of the wise gods. Unlike the method of Burke, Corwin's was highly poetic. He spoke in the language of the prophets of old, with all of their fervor and their wealth of imagery. But whatever his mood, whether grave or humorous, he never lost sight of his object, which was to instruct his hearers. In the perfect control of his faculties and in his knowledge of human nature he more nearly resembled Sheridan than any orator of modern times, while the skill with which he alternately made captive the reason of man and played on the passions of the soul was more subtle.

threatened the perpetuity of our republican institutions; reaffirmed the language of Henry Clay in condemnation of the war with Mexico; recalled to public attention the prediction of Whig statesmen that the annexation of Texas would involve the United States in war, and "be the precursor of further attempts for the acquisition of territory"; demanded the restoration of peace on honorable terms disconnected with spoliation; and declared for the Wilmot Proviso in these words:

That we solemnly declare to the world that from high moral principles, as well as from our views of sound national policy, we are unchangeably opposed to the annexation of any territory to this Union either directly or by conquest, or indirectly as payment of the expenses of the war; but if additional territory be forced upon us, we will demand that "there shall be neither slavery nor involuntary servitude therein, otherwise than for the punishment of crimes."

It was not to be expected that Mr. Berrien, the distinguished Georgian, would go as far as Mr. Webster or Mr. Clay in discussing the slavery issue before his constituents, but his opinions on the war lacked nothing of definiteness.[1] The Whigs of the North stood with the Whigs of the South in opposition to the acquisition of territory. But it was reserved for Mr. Clay, as the generally accepted head, to give definite form to the party views. At a mass meeting in Lexington, which he addressed with the fire and spirit of his early manhood, he read a series of eight resolutions which he had prepared, which constituted the party platform. The seventh was in these words:

Resolved, That we do positively and emphatically disclaim and disavow any wish or desire, on our part, to acquire any foreign territory whatever, for the purpose of propagating slavery, or of introducing slaves from the United States into such foreign territory.

[1] Once when an appropriation for the war was under consideration, Senator Berrien proposed an amendment declaring the true intent of Congress in making the appropriation was, that the war ought not to be prosecuted with any view to the dismemberment of Mexican territory. Rejected, 24 yeas to 28 nays—a party vote.

There was a spontaneous movement to bring Mr. Clay to the front again, in several counties of Ohio and in Pennsylvania, and in the latter he was put in nomination, of course without his knowledge or consent. It was with great reluctance that he finally acquiesced in the use of his name, and then only upon the assurances of friends in Ohio and New York, in whom he had confidence, that in no other way could those States be carried for the Whig cause.

Some of Mr. Clay's old friends were not frank with him, but, leaving him uninformed, engaged in a scheme to secure the nomination by the Whig national convention of General Taylor, whose brilliant achievements in Mexico had made him a popular hero. They believed that in this way only could their party meet with success. They excused themselves for their desertion of their old chief on the ground that "the urgency of the crisis does away with all the obligations of mere personal friendship and habitual personal allegiance"[1]; and for their neglect to open their minds to Mr. Clay, on the ground that "his influence over the minds of men is such that very few, perhaps not one in ten thousand, will, in conversation with him, venture to advance anything which he knows will be personally disagreeable, or omit to say what he thinks will gratify him."[2] And so they subjected him to much mortification which might have been avoided if they had had greater moral courage.

Not to the personal influence of any great leader, but rather to the genius of her people, was Ohio indebted for her preeminence in political affairs. On her becoming a Whig State, her own gifted sons—Corwin, McLean, Giddings and Ewing—continued to follow the lead of Henry Clay loyally, and with confidence that such a course would promote true republican principles. The complications of 1848 led to a breach,

[1] Correspondence of Thomas Ewing. *MS.*

[2] *Ibid.*, May 20, 1848. I quote this further remark: "They deceived him weakly not wickedly. . . . They deceived him, but it was by reason of his mental superiority and their mental submission, and he was willing to be deceived."

which was not healed for several years—in fact, not until the organization of the new party that first captured the popular branch of Congress and later placed Mr. Lincoln in the White House. When it became apparent that Mr. Clay would not be a candidate, Ohio immediately divided on presidential preferences. An effort was made in the Whig State convention to nominate Mr. Corwin. This was defeated by the friends of Judge McLean and the non-committal men, many of whom preferred General Taylor.[1] Thereupon the chairman of the State Central Committee issued a circular to the Whigs of the State, advising, as a means of keeping down the Taylor movement, to recommend Mr. Clay, and stating that Mr. Corwin was the undoubted choice of Ohio. This embarrassment of great men, which confronted the Whigs of Ohio in 1848, continued to disturb party harmony. With but few exceptions,[2] since then, it has been impossible to secure a solid delegation in any national convention in support of the claims of a citizen of that State.

Both Corwin and McLean were looked upon with favor by the anti-slavery men of the country. We have seen with what enthusiasm they received Senator Corwin's 11th of February speech. Judge McLean had not only approved of its sentiments, but he had furnished the Whigs with an opinion that Congress had the power to put an end to the war on just and honorable principles.[3] The young Whigs preferred Corwin.

[1] Correspondence of Thomas Ewing. *MS.*

[2] The exceptions were in 1876 when Wade, Sherman, Garfield, Taft and Dennison cordially united in support of Governor Hayes, and the conventions of 1896 and 1900.

[3] This opinion was in the form of a letter, which found a place in the *National Intelligencer*, Jan. 29, 1848, and was in these words: "I think that Congress, who unquestionably have the power, should put an end to the war on just and honorable principles. After agreeing upon the terms on which a treaty should be made, they should call upon the executive, by resolution, to offer peace to Mexico upon that basis, and during the negotiations hostilities should be suspended. If the President shall refuse to do this, in the military appropriation bills the army should be required to take such positions as shall carry out the views of Congress. These bills the President could not veto, and he would be bound by their requirements. This may be done by the House."

The anti-slavery men of Massachusetts hoped for the privilege of following his banner, but they wanted him to be as radical as themselves, which would have rendered his nomination by his own party impracticable. Mr. Giddings was the leader of this class in the West. "Mr. Corwin," said he, "can expect the anti-slavery Whigs to support him for President on no other ground than that of maintaining our doctrines and policy."[1] That policy was the creation of a new party. Mr. Corwin has been criticised for not falling in with the views of these admiring friends, and, because of his subsequent support of the compromise measures of 1850, has been accused of vacillation. Doubtless he had something to regret at a later day; but he has not been heard on his views of the political situation prior to the assembling of the national conventions in 1848. It is certain that he believed that the Whig party was the only party capable of giving the country good government; and that he thought it practicable to secure harmony within the party by making the contest turn on the question of the acquisition of territory.[2] He did not have any selfish

[1] *Life of Joshua R. Giddings*, p. 213.

[2] In this connection the following letter, which is here made public for the first time, will be read with interest. It is addressed to the Hon. John J. Crittenden in reply to a letter on the presidency.

"LEBANON, 2d Sept., 1847.

"DEAR SIR:

"You misunderstood my wishes, if you inferred that I expected General Taylor to make any explicit avowal of his opinions on particular points *now*, while he is at the head of an army in the field. I do not think he should, nay, I do not think it quite safe as a precedent that he should be an avowed candidate while in that position. That nomination by Cushing on the 4th of July was a scene which I hope will never, in our history, be repeated. Yet I look for a similar movement in Scott's army whenever he shall be safely lodged in the city of Mexico, especially if that so much-desired event should be preceded by a bloody battle. I know well how radically we differ in our opinions touching this war, and I am sure this difference in some sort, must bias perhaps both of us in our estimations of the generals who fight it.

"Whatever my own wishes may be, as to the person to be selected, is of no importance. I am sure I cannot be mistaken in this, that the Whigs of this State (and I think I may say the same of all the non-slaveholding States except Illinois) will not vote for any man who avows himself favorable to the acquisition of territory, without any security against the establishment of slavery in it. On this

purpose, and for this reason, perhaps, he gave less heed to the exhortations of the impatient anti-slavery Whigs.

point there is a strength and fervor of feeling which renders it useless to attempt reason and persuasion. General Taylor with all his military popularity has no such hold on the affections and confidence of the Whigs as Mr. Clay had in 1844, yet we could barely elect him in Ohio, and in New York he failed because he was not *personally* as well as politically opposed to the annexation of Texas.

"If the President should get a treaty ceding to us any territory not a part of Texas (which is already in the Union) and the Wilmot Proviso should be a question pending at the next presidential election, I feel confident we shall fail in electing any Whig. The Whigs of the South will not sustain any man in favor of the Proviso, and the Whigs of the North will not vote for any man who is opposed to it. The Democrats see and know this, and only wait for such a division to unite, as they only can, on some ground to be suggested at the time, and thus united of course they will whip us. Hence arises the great necessity of taking early and strong ground against any further acquisition. Settle on that and the Wilmot Proviso dies, and with it dies every political topic connected with the subject, except it be emancipation in the District of Columbia. Whilst this would do justice to Mexico, it would restore comparative tranquillity to us. It would preserve in its entire strength the Whig party, the only party to which we can look for good government. Mexico can secure to us the miserable two millions claimed by our citizens, by a mortgage on specific revenues or mines, or not secure it at all. What is this paltry sum to us who can lavish fifty or one hundred millions on a frivolous and imaginary point of honor?

"If this could be done before a Whig convention meets in May 1848, and General Taylor by such convention should be recommended to the Whigs of Ohio, I think we could carry him; or, if he should (the question of acquisition being still open) declare himself hostile to acquisition, either by treaty or conquest, perhaps then also we could carry him through in Ohio. You in Kentucky will think it strange that the people of Ohio are not so enthusiastic in their gratitude to General Taylor as to forget for his sake all the cherished principles in politics which we have so sedulously taught and believed for the last twenty years; or, perhaps, you expect them to believe General Taylor to profess and believe them all *because* he fought bravely and skilfully in the field. I saw when in Kentucky the essential points of difference in the characters of the masses in Ohio and your State. Your men, young and old, generally have more leisure than ours. Such a people as yours always was and always will be a martial people. They will love war, for it furnishes employment, which brings with it renown. They will cherish for military exploits, even a factitious, unphilosophical admiration—it is their favorite vocation. I mean to say nothing of the merits of the two systems, social and political. I only wish to account to you for the existence of certain opinions in your State, which you will see could not be expected to extend to our side of the river.

"What is to be the effect on parties of Gov. Wright's demise? Will it not throw the Democratic party of the North on Mr. Van Buren? I incline strongly

Mr. Corwin believed with Mr. Greeley[1] and Mr. Seward that the influence of the Whig party was against the extension of slavery, and that the party offered the practical line of political action. Any course that would alienate the emancipationists of Virginia, Kentucky, Missouri and Tennessee, would be a mistake. Hence the impression sought to be conveyed by some writers that Mr. Corwin was favorably disposed towards a party distinctively anti-slavery at this time would seem to be unwarranted. He held with Mr. Webster that public sentiment in the North antagonistic to slavery had been the outgrowth of Whig effort, that Free Soil was Whig doctrine which others were seeking to appropriate, and that to abandon a national organization capable of winning victories and obtaining political control would be inexcusable folly. The Whig majority in the Thirtieth Congress—a majority that meant a loss to the Democracy of seventy-one Congress dis-

to that opinion. If this should be the result, will not the Whig party in imitation of that movement, and partly because they really prefer Mr. Clay to anybody, bring out their old favorite? I confess I should feel quite easy and well satisfied if such were this day the condition of the contest. I have supposed that the singular manifestation of regard shown in Mr. Clay's recent visit to the East would itself tend powerfully to make him the Whig candidate. If, however, he should be left in retirement, I frankly confess I do not see any one left who is so likely to succeed as General Taylor. I wish also to say I am satisfied he is a Whig, but I could not satisfy others. They, the people, must have it from himself at some proper time before he is finally chosen. So it appears to me. His recent letters have rather increased than allayed public distrust as to his real opinions on some subjects which they consider vital. . . .

"Give my best regards to Letcher and Harlan.

"Truly your friend,

"Tho. Corwin."

[1] The New York *Tribune* during the period was aggressively anti-slavery as well as aggressively Whig. It kept before its readers the statement that the slave power relied wholly upon the Democratic party.

At Wilmington, in 1848, Mr. Corwin referred to the statement, freely made by Cass's friends, that he was pledged to veto the Wilmot Proviso, and then asked, Was there a Whig in the Northern States who was opposed to free soil? Every Whig member in the free States supported the Oregon bill. What better Free Soil party did the Abolitionists want than the Whig party?

tricts[1]—was the popular verdict on two policies: the Democratic, practically exemplified in the acts of the Polk administration; the other, as indicated in the votes and speeches of the Whig members of Congress and in the Whig press.

The policy of the Whig leaders was enforced in the organization of the Thirtieth Congress, in the selection of Robert C. Winthrop, of Massachusetts, for Speaker. In him the party found a capable and tactful leader on the eve of a presidential contest, who sought to allay excitement and to prevent anything being done that might lead to a division, or endanger the party prospects in the doubtful States. While the session of 1847–48 did not wholly avoid discussion of the all-engrossing topic,[2] it closed without any change in the relative positions of the great parties. While army supplies were voted,

[1] The practical division in the Twenty-ninth Congress stood: Democrats 142, Whigs 79; in the Thirtieth Congress, Whigs 118, Democrats 110. In both cases such anti-slavery Whigs as John Quincy Adams, John G. Palfrey, J. R. Giddings and Joseph M. Root are included. The death of Mr. Adams, February 23, 1848, left a vacancy which was filled by the election of Horace Mann, as pronounced an anti-slavery man as his predecessor, an able, eloquent advocate, capable of great personal sacrifices. Another vacancy in the Thirtieth Congress was filled by the election of Horace Greeley. In the Congress sat two future Presidents, Abraham Lincoln of Illinois and Andrew Johnson of Tennessee.

[2] April 13, 1848, eight slaves attempted to escape from the District on the schooner *Pearl*, but were recaptured and lodged in jail. Captain Drayton and Mate Sayres of the vessel were arrested and also lodged in prison. This incident led to a riotous attack on the office of the *National Era*, an anti-slavery paper edited by Gamaliel Bailey, by the disorderly element of Washington, and to an angry discussion of the slavery question in both Houses of Congress. When Mr. Giddings, accompanied by two friends, called at the jail to see Drayton and Sayres, he was treated with great rudeness and his life was threatened. Mr. Palfrey proposed a special committee to inquire if any further legislation was required to protect life and property.

Mr. Hale introduced in the Senate a bill to make the residents of Washington responsible for damages committed by mobs. It was simply extending a Maryland law to the District. There was no mention of slavery, but Mr. Calhoun, Mr. Foote and other Southerners made it apply to that subject and assailed the New Hampshire Senator with great virulence. Foote assured Hale that if he visited Mississippi the people would receive him with shouts of joy and proceed to suspend him from the tallest tree, in which ceremony he would be delighted to participate. (This savage speech won him the nick-name of "Hangman Foote.") Hale calmly returned the grim compliment by extending a courteous invitation to

the House did not fail to condemn the false declaration that "war existed by act of Mexico." And while peace, concluded with that power in the winter of 1848, closed this chapter, it did not restore the administration to popular favor. This was the situation when the Whig national convention met in Philadelphia, June 7th, and selected General Zachary Taylor and Millard Fillmore as the candidates of that party.

The result created dissatisfaction among the delegates representing anti-slavery constituencies, which became more pronounced as the convention refused to entertain a resolution drafted by the Ohio delegation, declaring that Congress had the power and that it was its duty to prevent the introduction and existence of slavery in the territories.[1] The convention by adopting no platform sought to make the canvass turn on the personal popularity of the candidate.

The devoted friends of Mr. Clay made a determined stand for him in the convention, and if Ohio and Kentucky had proved faithful, his nomination might have been accomplished.[2] The course of Ohio in voting for Scott simply meant that the friends of Corwin and McLean could not agree that either should be put forward as the choice of the State, and a few who were in the Taylor intrigue were able to interpose against Mr. Clay.

Henry Wilson, afterwards Vice-President, and Mr. Allen,

Foote to visit New Hampshire, where the people would be happy to listen to his arguments and engage in an intellectual contest. It was during this debate that Jefferson Davis said that the state of slavery was the happiest relation labor could sustain to capital. Crittenden and Douglas rebuked the fire-eaters for their intolerance. The latter said such exhibitions made Abolitionists.

[1] *Rise and Fall*, vol. ii., p. 135, where the statement is made that John Sherman of Ohio deprecated the introduction of the resolution. Another resolution, proposed by John A. Bingham, of the Ohio delegation, declaring that "the Whig party, through its representatives, agrees to abide by the nomination of Gen. Taylor, on condition that he will accept the nomination of the Whig party and adhere to its great fundamental principles—no extension of slavery, no acquisition of foreign territory by conquest, protection to American industry and opposition to executive patronage,"—was received with mingled cheers and hisses, and was ruled out of order.

[2] The first ballot stood: Webster, 22; Scott, 43; Clay, 97; Taylor, 111. The last was nominated on the fourth ballot.

of the Massachusetts delegation, declared in the convention their determination to oppose the nominees before the people. Samuel Galloway and Lewis D. Campbell, of Ohio, spoke in the same strain of condemnation of the action of the convention, but they did not withdraw from the hall as did Messrs. Wilson and Allen. A meeting called by Mr. Wilson to consider what was best to be done in this crisis was attended by only fifteen of the delegates; but it was the inception of a movement that had far-reaching results. A committee, consisting of Joshua R. Giddings, Charles Allen and John C. Vaughan, was appointed to call a convention, at an early day, of all who were opposed to the election of Cass and Taylor. A call had already been made for a Free Territory convention at Columbus, Ohio, on the 22d of June, for the purpose of preparing the way for a new party, which, at the instigation of the Philadelphia convention, recommended the holding of a national convention at Buffalo, August 9th, for the purpose of nominating candidates for President and Vice-President.

A mass convention assembled at Worcester, June 28th, which was addressed by Charles Sumner, Charles Francis Adams, E. Rockwood Hoar, Joshua R. Giddings and Lewis D. Campbell, approved the course of the two Massachusetts delegates in withdrawing from the Philadelphia convention, commended Mr. Webster for not endorsing the nomination of General Taylor, and invited an alliance with the Barnburners of New York, who at Utica had put Martin Van Buren in nomination soon after their return from Baltimore. The spirit of the Worcester convention was expressed in a resolution which declared "that Massachusetts wears no chains and spurns all bribes." In this convention Mr. Sumner traced the beginnings of the separate Free Soil organization in Massachusetts, which afterward grew into the Republican party. It may be remarked, however, that the Ohio Free Soil Territory convention of June 22d, which organized the opponents of the Whig and Democratic candidates of that State and issued a call for a convention to be held at Buffalo in August, was suggested by Salmon P. Chase early in the

previous winter and met in obedience to a call signed by more than three thousand citizens representing all parties.[1] The Columbus and Worcester conventions were parts of the same movement, destined to effect a political revolution. It was decided at the Columbus convention to make approval of the Wilmot Proviso a test in supporting Gubernatorial, Legislative and Congress candidates, which led to surprising and important complications.

The citizens of eighteen States dissatisfied with the tendency of national politics were represented in the Buffalo convention of the 9th of August by four hundred and sixty-five delegates. The Barnburners had come into the movement not to promote any high moral principle, but because it promised to increase their power in local politics and to revenge them on Mr. Cass. It was a singular union of antagonistic elements, but the genuine anti-slavery enthusiasm supplied by those who had been under the moulding influence of James G. Birney, Gerrit Smith, Arthur Tappan, Joshua R. Giddings and the Massachusetts Whigs for years, pervaded the assembly and was not spent when the campaign closed. Mr. Chase presided, and the resolutions that were adopted embodied his views of political policy slightly modified to reconcile the Whig element in the combination. These, a few years later, became the principal planks in the platform of the new Republican party. The nomination of Martin Van Buren for President and Charles Francis Adams for Vice-President by this convention created a feeling of uncertainty in the ranks of both of the old parties. John P. Hale, who had received the nomination of the Liberty party, withdrew his name, and the various anti-slavery societies and movements were quickly merged in the Free Soil party under the banner of Martin Van Buren—the "Northern

[1] The call was written by Mr. Chase and evidenced the master political hand. Few of his contemporary statesmen were as gifted in persuasive argument as he. As the call preceded the action of the Whig and Democratic national conventions, it expressed the hope that they might nominate candidates "worthy of the confidence of non-slaveholding freemen"; disappointed in this, the North should unite on some plan of action to resist by all constitutional means the extension of slavery into the territories.

man with Southern principles." Only the Garrisonian Abolitionists refused any share in the political scheming of the time, which even a friend as sympathetic as James Russell Lowell thought a mistake.[1] Men in every section for an interested purpose were changing their positions and forming new relations only to be thrown off in a few months by many as readily as they had been formed.

The anti-slavery Whigs, by the selection of a soldier and slaveholder for the nominee of their party, were placed in a position of great embarrassment. The dissatisfaction in the State of New York, which extended to every part, found expression in great popular demonstrations in favor of supporting Mr. Clay as the only Whig candidate, and these did not cease until that statesman publicly declined to permit his name to be used. It was denied that General Taylor had any claim on the Whigs, as he declared his independence of party; and a league for the preservation of Whig principles, which it was said were sacrificed at Philadelphia, was actually formed.[2]

The publication of a letter from General Taylor, about this time, written in a spirit of candor, and displaying both dignity and ability, explaining his relations to parties and the presidency, in which he said he had declared himself to be a Whig on all proper occasions—a Whig, decided but not ultra in his opinions, opened the way for a consolidation of Whig support. Governor Seward, Horace Greeley and Thurlow Weed had already made their decision, and were conducting a remarkable canvass against the Free Soil coalition. They did not believe in the sincerity of the conversion of Martin Van Buren.

[1] "I do not agree with the Abolitionists in their disunion and non-voting theories. They treat ideas as ignorant persons do cherries. They think them unwholesome unless they are swallowed stones and all. Garrison is so used to standing alone that, like Daniel Boone, he moves away as the world creeps up to him, and goes farther *into the wilderness*. He considers every step a step forward, though it be over the edge of a precipice."—*Letters*, vol. i., p. 125.

It should be remarked also that James G. Birney and Gerrit Smith refused to support Van Buren because of his pro-slavery record. Mr. Smith was voted for for President by a faction of Liberty men.

[2] The statement made by the Hon. J. L. White, that "Henry Clay and the principles of the Whig party were buried in one grave at Philadelphia," inspired the

There was lacking the evidence of a miracle, as in the case of St. Paul, and nothing less than the direct interposition of the Almighty could change the heart of such a crafty politician as the Kinderhook statesman. Placed in the position of being

following verses, which were sung with fine effect at a gathering of ten thousand people at Vauxhall Garden on the 7th of September, and which illustrate the party feeling better than pages of description :

THE RESURRECTION.

Whigs of the North ! come proudly forth !
The time 's arrived for action !
The *traitors* say they 've buried *Clay*
Let 's have a *resurrection !*
Our chief we 'll save, and in his grave
We 'll bury his betrayers ;
Or if too late, we still can sate
Our vengeance on his slayers.

The life blood starts within our hearts
Whene'er *his* name is spoken.
'T is he alone can form in one
Our ranks dispersed and broken.
Truth crushed, not slain, will rise again,
And so will Truth's defenders,
Reviled and scoffed and beaten oft,
Our Harry ne'er surrenders.

On him, so spurned, all eyes are turned,
His Whiggery ne'er was doubted ;
He will not shame to own the name
Of *Whig*, where'er 't is shouted ;
A glorious Whig—an ultra Whig—
A Whig true, firm and steady,
Is just the one to lead us on—
Not " Rough " but always " Ready."

Beneath his flag we need no " *Bragg*,"
Nor deem that " *grape's* " so mighty ;
Our cause is just—in this we trust,
And care not for " Old Whitey " ;
But heart and hand, we 're bound to stand
With him who left us never,
And raise once more the shout of yore—
Brave *Harry Clay* forever !

compelled to form an unholy alliance, of giving their support where it would benefit Cass, who was pledged to veto any action of Congress interfering with slavery in the territories[1]; or of standing by the Whig party of the North which had been firmly, consistently and efficiently on the side of no slave territory,[2] they could not hesitate as to their duty.

In a powerful speech at Marshfield, Mr. Webster also referred to the inconsistency involved in Whigs supporting Mr. Van Buren. He said that if he were to express confidence in Mr. Van Buren and his politics on any question, "the scene would border upon the ludicrous, if not upon the contemptible." They had always been in opposition, and he humorously added that, if they were to find themselves under the Free Soil flag, he was sure that Mr. Van Buren with his customary good nature would laugh. If nobody were present, both would laugh at the strange occurrences and stranger jumbles of political life that should have brought them to sit cosily and snugly, side by side, on the same platform. The Free Soilers in Michigan and Ohio made an alliance with the Democrats, which effectively alienated the Whigs from Mr. Giddings with whom they had previously acted. The pro-slavery record of Mr. Cass was so pronounced, and the alternative before the voters was so clearly the election of Cass or Taylor, that the charge of inconsistency was made with considerable force by the Whig speakers. Corwin said the Free Soilers were emulating the glory won by fifteen thousand Liberty men of New York in 1844 in electing James K. Polk, but with even a more reckless abandonment of principle. Then their candidate was an anti-slavery man; now one whose career had been characterized by a shameless disregard of human rights. The trading carried on between the Free Soilers and the Democrats made the contest in Ohio one of the most uncertain in the political history of that State. The prevalence of a sentiment against the extension of slavery

[1] The Nashville *Union* made the distinct statement that Cass was pledged to the South to veto the Wilmot Proviso, which was never denied.

[2] New York *Tribune*.

had influenced the Democratic politicians in State convention to adopt the following resolution:

> That the people of Ohio now, as they have always done, look upon the institution of slavery in any part of the Union as an evil, and unfavorable to the full development of the spirit and practical benefits of free institutions; and that, entertaining these sentiments, they will at the same time feel it to be their duty to use all the power clearly given by the national compact, to prevent the increase, to mitigate and eradicate the evil.[1]

This action made coöperation between the Democrats and the Free Soilers easy. Mr. Chase optimistically saw the Democratic party of the North transformed into the Free Democracy, perhaps with himself officiating as high priest. The Whigs barely succeeded in electing their governor and one-half of the Legislature in the October election, and had the mortification of seeing the electoral vote of the State cast for Cass.

The closeness of the vote in October led to embarrassing complications in connection with the organization of the Legislature which convened in December, 1848. Chaos ruled at the capital until the 4th of January, when an organization was secured by an alliance between the Democrats and Dr. Norton S. Townsend, of Lorain County, and John F. Morse, of Lake, representatives of the Free Soil party, who held the balance of power in joint ballot of Senate and House. Under a new apportionment law, enacted by the previous General Assembly, the Whigs of Hamilton County elected two representatives in a single district; the Democrats elected two under the old law which made the entire county one district. The clerk of the county—a Democrat—gave certificates to Pugh and Pierce, the Democratic candidates, on the ground that the new law was unconstitutional. A contest followed, and its settlement

[1] Warden, in his *Life of Salmon P. Chase*, leaves the reader to infer that Allen G. Thurman was the author of this resolution. As chairman of the committee he reported this with other resolutions. The contest over the resolution on slavery in the committee was bitter and lasted through the night. The authorship lies between Jacob R. Brinkerhoff, Rufus P. Spalding and John Brough. My information is that it was in the handwriting of the last.

was a part of the deal by which the House was organized. In addition to Speaker and Clerk and minor offices of the House, a United States Senator was to be elected, and two judges of the Supreme Court were to be appointed—all places of great importance, the disposal of which actually fell to the two Free Soil members. Desiring to promote the anti-slavery cause, they made their support depend upon the repeal of the black laws and the election of a Free Soiler to the United States Senate. A coalition was first proposed to the Whigs, Mr. Giddings being the choice for Senator, but because of the refusal of two Whigs to vote for him it was abandoned. The coalition was made with the Democrats, and Salmon P. Chase was chosen Senator, the first step in a great public career.[1] Such an occurrence was sure to incur the condemnation of the press of the defeated party. Mr. Greeley, who in later years sustained relations of intimacy with Mr. Chase, declared that his election was "deeply tainted by corrupt bargaining and fraud."[2] A similar coalition in Massachusetts made Charles Sumner the successor of Daniel Webster in the Senate—a coalition denounced by the Whig *Advertiser* as "criminal not only in morals, but in the law of the land."[3]

The campaign of 1848 was a tremendous stride toward a return to pure republican principles. It was one of movement, of education, of independent action. Those States that had adhered to the fortunes of the old parties—Vermont, Wisconsin, Michigan, Ohio—boldly made proclamation of resistance to the further extension of the slave power. In New York an enthusiastic canvass was conducted by the Democratic leaders of the Barnburner faction—John Van Buren, Preston King, B. F. Butler, Samuel J. Tilden, Sanford E. Church, Dean Richmond, James S. Wadsworth, John A. Dix and

[1] Mr. Sumner predicted a great career for the new Ohio Senator. See letter, Jan. 8, 1850, *Memoirs*. Dr. Von Holst, in his admirable and usually accurate work, speaks of Chase as "an earnest, fiery and adroit agitator against slavery" (vol. iii., p. 427). The word "fiery" was not applicable to the dignified, grave, deliberate and massive Chase.

[2] New York *Tribune*, Jan. 2, 1850.

[3] The agreement divided the offices, including those of Governor and Senator, between the allies.

C. C. Cambreleng—not only in behalf of the Wilmot Proviso, but in an eloquent assertion of the duty of the federal government to relieve itself of all responsibility for the continuance of slavery, wherever it possessed constitutional authority. This was unwonted language for Democratic ears, and to many must have presaged the end of things political. The total vote of the State was: for Van Buren, 120,510; for Cass, 114,318; for Taylor, 218,603. Of the total vote in the United States nearly one-ninth of the electors cast Free Soil ballots.

In this result many saw the speedy disintegration of the old parties. Within a twelvemonth after the Whig victory, an orator, a great popular favorite, declared it to be the purpose of the Free Democracy of the Empire State to make the Democratic party of the United States the great anti-slavery party.[1] In amusing contrast to this expectation of the boastful protagonist of the campaign of 1848, is the language held some months previously by a committee of distinguished Southerners, who were recounting the "sacrifices" which the Northern Democracy had made for the South.

> We believe [so runneth their address to their constituents], we yet believe that the only true and reliable friends of the South at the North are to be found in the Democratic party, and that the protection of our rights, so far as the same is dependent upon the legislation of Congress, is only to be promoted by uniting in still closer bonds with those who have given us these evidences of the sincerity of their friendship.[2]

These cords of friendship shortly bound more firmly than ever the entire Democracy of the Union, including the Barnburners — the Van Burens, Sanford E. Church, Samuel J. Tilden and others, whose "bold voices for freedom had rung

[1] John Van Buren at Rome, New York, in August, 1849: "We expect to make the Democratic party of this State the great anti-slavery party of this State, and through it to make the Democratic party of the United States the great anti-slavery party of the United States. Those who do not contemplate this result would do well to get out of the way."

[2] This address, signed by Howell Cobb and others, was dated at Washington, Feb. 26, 1849. See *Niles*, vol. lxxv., p. 231.

throughout the land like a trumpet call." The "Fox of Kinderhook," when posing as a candidate, assured his followers and the people that he should be among the last to abandon the principles promulgated at Buffalo. Once sure of his revenge upon Cass, he reunited with the old party and resumed his pro-slavery record which had been interrupted by the brief episode of 1848.

In pleasing contrast to this faithlessness is the patriotic firmness of the new President. If General Taylor was without experience in civil affairs, he was not uninformed in the history of his country and the principles underlying the most important public measures. He was wise, sagacious, upright, and manly. "The more I see of him," wrote Mr. Seward, who was just entering on that great career in national affairs which is a part of the history of the Republic,—"the more I see of him the more I admire his purity and excellence of motive, and the more I respect his discretion." [1] His lack of information about men was an embarrassment of which the professional politician was sure to take advantage, of which the politician did take advantage, but this was of less importance at this time than moral courage in dealing with the complicated questions arising from the annexation of Texas and the war with Mexico. The Thirtieth Congress—a Congress that had completed much useful legislation including a new executive department known as the Department of the Interior—expired with the Polk administration without having provided territorial governments for California and New Mexico. The revenue laws of the United States were extended over California, but further legislation, owing to disagreement between the two Houses, was found impracticable. An amendment proposed by Mr. Walker to the general appropriation bill providing for the extension of the Constitution to the territories, was adopted by the Senate after a notable debate in which antagonistic theories of the Constitution were expounded by Mr. Calhoun and Mr. Webster. The latter declared the proposition to be utterly impossible. The South

[1] To Mrs. Seward, March 2, 1849. *Seward at Washington*, vol. ii., p. 101.

Carolinian exulted over an implied concession in debate that the extension of the Constitution of the United States to the territories would be a shield to the South upon the question in controversy. The revelation of the real object of the Walker amendment insured its rejection by the House, which adopted a substitute proposed by Richard W. Thompson of Indiana, providing that the Mexican laws should be continued in force until July 4, 1850, and executed by such persons as the President should appoint. At last at five o'clock Sunday morning the Senate receded and the heated contest was at an end.

Thus the issues of the slavery question remained unchanged. They confronted the new administration in the beginning; were supposed to dominate the selection of Cabinet ministers, and even of appointments to the greater and lesser offices; filled all minds with anxiety, and many with forebodings of coming evil. A conservative Cabinet is what the Whigs of both sections desired, but with this difference: the Northerners expected the policy on this question to be against the extension of slavery to the new territories; the Southerners insisted on the control of the question being left wholly with General Taylor.[1] A Cabinet constructed as follows would have met the views of the Georgia Whigs[2]: John J. Crittenden of Kentucky, Secretary of State; John M. Clayton of Delaware, Secretary of the Treasury; Wm. M. Meredith of Pennsylvania, Attorney-General; Truman Smith of Connecticut, Postmaster-General; Geo. W. Crawford of Georgia, Secretary of War; R. C. Schenck of Ohio, Secretary of the Navy. Doubtless this would have been acceptable to the Seward Whigs. The Cabinet as actually constituted contained three of the names in the Georgia list and might have contained four if Mr. Crittenden had not refused to permit the use of his name. It was upon his recommendation that Mr. Clayton was made Secretary of State; and Thomas Ewing of Ohio, Secretary of the Interior. Mr. Meredith was made Secretary

[1] Correspondence of Alex. H. Stephens, 17th January, 1849. *MS.*
[2] *Ibid.*

of the Treasury; Mr. Crawford, Secretary of War; Jacob Collamer of Vermont, Postmaster-General; Reverdy Johnson of Maryland, Attorney-General; and William B. Preston of Virginia, Secretary of the Navy. Open opposition was made to Mr. Collamer by Southern Senators, but his appointment was finally confirmed, after a judicious speech by Mr. Seward, in which he maintained the right to entertain and debate extreme opinions, "without proscription and with fidelity to the Union." [1]

The political situation of the South at this period of our history is of dramatic interest. Conscious that advantages which they had expected to derive from the war with Mexico could not be realized, the leaders of the Calhoun school sought to bring about that disunion for which they had been carefully preparing the public mind. Delay strengthened the North and weakened the South. The unorganized territories, from which it was proposed to exclude slave property, would, when admitted as States, add to the North a sufficient number to give it three-fourths of the whole, when, under cover of an amendment to the Constitution it would emancipate the slaves in the Southern States. Thus would be brought upon the people of that section "consequences unparalleled in history." The races could not be separated and could not live together except in the relation then existing. Under any other, wretchedness and misery and desolation would overspread the whole South.[2] This was the opinion generally prevailing. A bloody conflict of races—a repetition of San Domingo—was an ever-present spectre to the imagination of many Southerners. On applying a remedy there was such a divergence of views as to neutralize for a time the efforts of the disunionists. The convention of Southern members of Congress brought out this fact. John M. Clayton, who was to be the head of President Taylor's Cabinet, participated, and, with twenty-seven other

[1] March 4th, Mr. Seward records that Truman Smith was proscribed by the South and left out of the Cabinet. This does not agree with Alex. H. Stephens's statement.

[2] Address of Southern members of Congress to their constituents, January 18, 1849.

Whigs, voted against any action whatever. Alex. H. Stephens attended the meetings "to prevent mischief" and expressed the belief that he had succeeded.[1] But about fifty of the extreme members signed an address, drawn up by Mr. Calhoun, which advised the Southern people to become a unit on this question, which should be made paramount to all others. One passage in this address is of special interest to us, inasmuch as it recognized the issue as one of property rights under the Constitution. It is from the charge of Judge Baldwin to the jury in Johnson *vs.* Tompkins and others (a slave case):

"*Thus you see that the foundations of the government are laid and rest on the right of property in slaves. The whole structure must fall in disturbing the corner-stone.*" It took twelve years of this influence to induce Mr. Stephens to accept slavery as the "corner-stone" of a government, but meanwhile his voice was for the Union, and he deprecated the violence that threatened its disruption in 1849. "We as a section of country with our rights, interest and security, I sometimes fear, will be ruined if such men as those who got up the Southern convention are permitted to be our leaders."[2]

The Legislatures of Virginia and Missouri echoed the Calhoun address with such promptness as to show concerted action among the extreme men throughout the South.[3] Senator Benton met the attempt to constrain his senatorial course with characteristic boldness by appealing directly to the whole people of Missouri. A Senator for thirty years, he could not degrade the Senate by engaging in slavery and disunion discussions. There was nothing real or practical in the whole slavery question; nothing for the people of the United States to quarrel about. There was no slavery in any territory, and it could not get there by law except by act of Congress, which would never be passed.[4] He had no patience with the Calhoun dogma of the Constitution carrying slavery to the territories.

[1] Correspondence, 17th January, 1849. *MS.*

[2] Correspondence of Alex. H. Stephens. *MS.*

[3] The resolutions adopted contemplated resistance at all hazards in case the Wilmot Proviso should become a law.

[4] Speech at Jefferson City, May 26, 1849.

The canvass made by Senator Benton gave an impetus to the movement that had already been inaugurated in Missouri favoring emancipation. The leaders of both parties representing nearly every county in the State, in a private conference in 1828, agreed to put in operation a plan to secure the enactment of a law that would provide for gradual emancipation, and the attempt would have been made but for an indiscretion of a leading Abolitionist in New York.[1] This plan was now revived, and, on account of the support of the German population and a large and influential part of the press, some legislative action was confidently expected. But whether promoted by law or not, the St. Louis *Daily Organ* expressed the opinion that slavery would cease to exist in that State within twenty-five years, in the natural progress of events.

In Kentucky and western Virginia also many conservative people, realizing the weakness and constant menace to social order of an institution dependent upon exceptional laws, looked to gradual emancipation as the cure for the evils which were overshadowing the whole land. The Virginians residing west of the Blue Ridge had not ceased to agitate for that reform in representation which they asked for in vain in the convention of 1829–30, through which they hoped to secure relief from slavery for themselves. Anticipating a new apportionment under the census of 1850, they strengthened their arguments with new facts. Besides a just share of representation they asked for the passage of a law to remove slavery from their side of the Blue Ridge. Arguments founded upon the radically different social conditions of eastern and western Virginia, and the economical lesson deducible from the prosperity of the Northern States as compared with the slow growth of the Southern, were presented.

In some parts of eastern Virginia the slaves were two or three times as numerous as the whites; in the western part of the State, they constituted only one-eighth of the population. The aspiration here was to get rid of this incumbrance and

[1] *Commonwealth of Missouri*, p. 223. Also quoted by Lucian Carr in *Missouri: A Bone of Contention*, p. 174.

to build on the basis of a free population, which would invite manufacturing industries to consume the coal and iron buried in the mountains, and improve the market for agricultural products grown in her valleys. What lesson did western Pennsylvania teach? With an area of 5500 square miles less than western Virginia, the growth in population in the decade ending in 1840 was 37½ per cent. as against 14½; the farming industry yielded an annual value of $212 to the hand as against $158; the iron industry 109 per cent. on capital, and $720 worth to the hand, as against 70 per cent., and $390 worth to the hand; the total of iron, leather and woollen manufactures was six millions of dollars as against seven hundred and seventy thousand; the number of scholars that attended school during some part of the year, was in Pennsylvania one to every nine persons, in Virginia one to every twenty-one; in Pennsylvania the illiterate were as one to forty-nine, in Virginia one to five and a half. Clearly slave labor was unprofitable as compared with free labor; and clearly, also, those who constituted a desirable population looked upon all Virginia as an infected country. It was certain that slavery drove free laborers out of the country and filled their places with slaves. In the ten years ending in 1840 Virginia lost by emigration 375,000 of her people, most of whom settled in the free States of the West; these were industrious and enterprising white men, "who found by sad experience that a country of slaves was not the country for them." [1]

The citizens of western Virginia, therefore, favored a law prohibiting the further importation of slaves; favored gradual emancipation; favored the education of the heirs of emancipation, and their subsequent colonization. Would eastern Virginia consent?

A comparison between Kentucky and Ohio was even more striking. In 1800 the former had 221,000 inhabitants, the latter 45,000. In forty years the population of Kentucky had risen to 780,000; that of Ohio to 1,519,000. The reason of the difference was obvious to the dullest mind. Would the

[1] *Address to the People of West Virginia*, p. 14.

slaveholding class choose wisely and change the current of history? The call for a convention to amend the constitution of the State afforded an opportunity to enter upon gradual emancipation. Mr. Letcher and other influential Whigs confidently expected the amendment to carry.[1] Mr. Clay took the lead in this movement. In a letter written in February, 1849, at New Orleans where he was sojourning, addressed to Richard Pindell of Lexington, he entered upon an extended discussion of the subject of emancipation.[2]

Upon the return of Mr. Clay to Ashland a public meeting was held at Lexington which was addressed by him and Dr. Breckinridge. Resolutions were adopted, declaring hereditary slavery to be contrary to the rights of man, opposed to the fundamental principles of free government, inconsistent with a state of sound morality and hostile to the prosperity of the commonwealth, and favoring the amendment of the State constitution to secure a practicable system of emancipation. A thorough canvass of the State followed, and the cause had the support of several influential papers, including the Louisville *Courier*.

The result was a surprise, a profound disappointment, to Mr. Clay and other friends of emancipation. While the legislative election gave the Whigs a majority of thirty on joint ballot, the Democrats captured the convention in which they had a majority of six.[3] "Slavery was afraid to trust itself in the hands of a Whig majority," was the comment of Horace

[1] Speech at Indianapolis, reported in the *Journal* of that city.

[2] See pamphlet printed at the time for circulation in the State; also *Works*, vol. iii., p. 349.

[3] Democrats 52, Whigs 47, with Casey County a tie. The activity of the emancipationists led to the call of a counter convention of the "Friends of Constitutional Reform," which was presided over by John L. Helm. James Guthrie, chairman of the Committee on Resolutions, reported a series, two of which made the platform of the campaign on the slavery issue as follows:

"*Resolved*, That we do not desire or contemplate any change in the relative condition of master and slave in the new constitution, and intend a firm and decided resistance to any such change.

"*Resolved*, That we have no objection to a proper provision for colonizing the present free blacks, and those who shall hereafter be set free, but protest against

Greeley.[1] The reactionists had played the game of politics with great shrewdness, and they had had the sympathy of the radicals in other States, who were enlisted in the cause of making slavery national. The example of Kentucky adopting emancipation would have meant the speedy downfall of the institution. They made the most of their triumph, and engrafted on the constitution a clause declaring, in the language of the statesmen of the cotton States, that "the right of property is before and higher than any constitutional sanction, and the right of the owners of a slave to such slave and its increase is the same and as inviolable as the right of the owner of any property whatever." Henceforth Kentucky heeds less and less the wisdom and examples of her great men.

The rapidity with which California was peopled after the discovery of gold in 1848 rendered necessary the quick establishment of a stable government. The Thirtieth Congress having expired without relieving the military government, President Taylor met the emergency by advising the inhabitants to organize under a constitution formed by themselves and to apply to Congress for admission as a State. The orderly and intelligent manner in which this duty was performed was a striking example of the capacity of the Americans for self-government. A constitution was adopted in which slavery was forever prohibited. The first Legislature met at San José on the 15th of December, 1849, and five days later Peter H. Burnett was installed as Governor, relieving Colonel Riley, the Military Governor.[2] Lieut.-Col. John C. Frémont, whose romantic and hardy explorations and participation in the seizure of California had made him a popular hero, and Dr. William M. Gwin, formerly of Mississippi, were elected to represent the new State in the United States Senate.

abolition or emancipation without the consent of the owner, unless upon full compensation and colonization."

Those favoring the above views were expected to sustain them, "without regard to former party distinctions."

Compare Louisville *Journal*, Feb. 6, 1849.

[1] New York *Tribune*, Sept. 12, 1849.

[2] The *Century Magazine*, vol. xl., p. 788.

When the Thirty-first Congress convened on the 3d day of December, the entire country was in a state of excitement over the all-absorbing question of slavery. The Free Soilers held the balance of power in the House, and for three weeks prevented an organization by refusing to vote for either Robert C. Winthrop, the Whig candidate, or Howell Cobb, the Democratic. The contest was finally settled on the sixty-third ballot under an agreement that a plurality should elect. Much indignation was expressed in Whig circles at the course of the Free Soil members in refusing to vote for Mr. Winthrop who had supported the Wilmot Proviso.[1] If Mr. Giddings and his associates demanded security for the future, so did Mr. Toombs of Georgia, who separated also from the Whig party because he could not get pledges. Anticipating the future, and objecting to a control shared by the Free Soil faction of the Whig party, Toombs and Stephens undoubtedly favored the choice of Cobb for Speaker, and promoted the complications and the shameful discord that prevented an early organization.[2] But they were not prepared yet to accept the logical principles of the Southern extremists, and we shall find them rendering valuable service for the Union, for a brief time.

The message of the President, patriotic and firm in tone, gave no comfort to the disunionists, who received it with execrations. He recommended that California be promptly admitted to the Union, and that New Mexico be left under her existing military government until she could form a constitu-

[1] Horace Mann, successor to John Quincy Adams, and a conscientious anti-slavery man, voted for Mr. Winthrop on the ground that it was the best that could be done—that it was practical politics.

[2] "Give me securities that the power of organization which you seek will not be used to the injury of my constituents, then you can have my co-operation, but not till then."—Stoval's *The Life of Robert Toombs*, p. 70.

"I soon saw that the expectation was that Winthrop was to be elected by a coalition of Southern Whigs with the Free Soilers, and the Whig party was to be the anti-slavery party. Against that I kicked—I detested the idea. . . . We made up a point upon the Whigs; we got up a great row; we shook the country from one end to the other."—Letter of Alex. H. Stephens, April 15, 1850, in *Biographical Sketch of Linton Stephens*, p. 100.

tion and apply for admission as a State. It was evident that the President had matured a policy,[1] and that the violence displayed by the extremists and the boldness with which they uttered disunion sentiments after the terms of the California constitution were known only strengthened his determination to adhere to it to the end. If the hotheads seceded, he would defend the Union.

President Taylor visited the Middle States in August and September, and had a good opportunity to learn something of public sentiment in the North. He was everywhere received with enthusiasm, and made brief and appropriate addresses. At Albany he was entertained at dinner by Governor Fish. At Mercer, Pennsylvania, a delegation from Mr. Giddings's district was received with great cordiality. His inquiries showed that he was familiar with the agricultural resources of the Western Reserve. He took occasion to correct a misstatement of Mr. Giddings's that he had favored the Walker amendment and had sought to induce members of Congress to support it. He had not done so. He was anxious that California should have some government besides the bowie knife and pistol, but he had never expressed a preference for the amendment of Mr. Walker over that of any other. He remarked in this connection that the people of the North need have no apprehension of the further extension of slavery—that

[1] This policy originated in the fertile brain of John M. Clayton. On the 13th December, 1848, he wrote a friend as follows: "I had an excellent plan to steer clear of that [slavery question] last session, but was baffled by our Northern ultra Free Soil men and our friends Badger, Bell and Underwood." This plan was known as the Clayton Compromise. It proposed to submit all questions as to the rightful existence or extent of slavery in the territories to the decision of the Supreme Court of the United States—a mischievous measure. Failing in this, and now about to become the premier of the new administration, Clayton devised a new plan which he explains in the letter from which I am quoting: "It is briefly this: The people of New Mexico, who number probably 50,000, and the people of California, who are probably 100,000, will, on a hint, gladly organize and form State constitutions next summer and present themselves to Congress at the next session, and some time about the summer of 1850 Congress will admit them into the Union. In the meantime no Wilmot Proviso will or can pass the Senate. Rely on it, we will saw around that knot." *MS.*

the necessity for a third party organization on this score would soon be obviated. This frank expression was received with satisfaction everywhere except in the cotton section, where the public mind was in such a state of frenzy as solemnly to declare a "fixed purpose never to submit to any act of the government" that excluded the South from a fair and just enjoyment of the territory acquired from Mexico, which was the property of the States of the Union; and to declare that they would never submit to any act of the government abolishing slavery in the District of Columbia; and to assert that they would demand that the provisions of the Constitution in regard to their property should be faithfully observed.[1]

It was clearly shown by Dr. Francis Lieber in friendly letters to Mr. Calhoun during this controversy that the Constitution did not say that the institution of non-slavery of the North was of a less positive character than the slavery of the South. The South was not disfranchised of a privilege possessed by all others, for no one was permitted to carry slaves along with him. "Still it might be said that slaves were movable property, and Southerners were not allowed to take it with them. The answer was obvious: Because, although the law declared the slave to be the property of his master, slavery was not purely an institution of property. It was also

[1] Resolutions of the State of Alabama. See *Ex. Doc. 1850.*

The Legislature of the State of Georgia went a step further. A law was enacted authorizing the Governor to call a convention whenever the Wilmot Proviso should be passed, or slavery in the District abolished, or California admitted into the Union with a constitution prohibiting slavery—whenever the whole or *any one* of these things should be done. When convened, the members of this convention were to take no oath supporting the Constitution of the United States, but instead the following:

"I, ———, do solemnly swear, in the presence of Almighty God, that I will, to the best of my ability, demean myself as a delegate of the people of this State, and act for the honor and interest of the people of Georgia."—*Leg. Proc. 1850.*

Mr. Toombs in a letter to the Governor of Georgia criticised this action. He said: "Congress has the express power to admit new States. The admission of California under that power is purely and solely a question of Congressional discretion, and would present neither a just nor sufficient cause for State interposition or revolutionary resistance." He declared his purpose to vote for the admission of California with her free State constitution.

a personal one." It was this fact which caused all the difficulty.[1]

The scene of interest now shifts to the Senate. In that body were associated together again for a brief season and for the last time, three statesmen, whose intellectual endowments made them easily the commanding figures of their times—Clay, Calhoun and Webster. The great Carolinian, though much enfeebled in body, was alert in pressing his views and in nerving the Southern people to bold action in defence of their so-called "rights." He appeared much depressed in these days. It is related by Senator Gwin that in a conference with Mr. Calhoun at this period, the latter declared that the admission of California with its free State constitution, "would destroy the equilibrium in the Senate, which was the only safeguard of the South against the numerical superiority of the North," and he prophesied civil war.[2] Mr. Toombs frankly confessed that the Mexican territory could never be a slave country, and that the South had only the point of honor to save. The extremists would save it by setting up a new republic; Toombs by getting the North to yield something to Texas.[3]

Mr. Clay, now in his seventy-third year, was upon the scene, which had witnessed so many of his triumphs, again the one whose name was first upon the lips of the stranger; again to persuade, to direct, to command. Political actors, those ambitious for power and place, feared him, and secretly sought to prevent his return to the capital. "Is there not some way," wrote one who had been proud to follow this Saul in other days,—"Is there not some way to prevent old Clay from returning to the Senate?" It was "gallant Harry Clay," "The Great Commoner of the American Republic," once; it is "old Clay" now! Another wrote: "It will not do for Mr. Clay to come back here if it can be prevented. I talk plainly, for the emergency requires it."[4]

[1] *Life and Letters of Francis Lieber*, p. 233.
[2] Bancroft's *History of California*, vol. vi., p. 342.
[3] Letter, Jan. 22, 1849. *MS.*
[4] Correspondence of John M. Clayton. *MS.*

But Mr. Clay was in the Senate, not from choice, not through self-seeking: he was there in obedience to the expressed wish of the people and the Legislature of Kentucky, to the gratification of the majority of the people of the United States. He had been cheered by the popular demonstrations attending his journey to the northward during the previous September. The old-time affection and enthusiasm surrounded him everywhere—at Baltimore, Philadelphia, the towns of New Jersey, at New York and Albany. He was a guest of ex-President Van Buren at Kinderhook, and rode in his carriage to visit the manufacturing village of Valatie, where a most hearty reception awaited him.[1] At Baltimore he spoke at some length on the political crisis, dwelling upon the importance of the Union and picturing the calamities and horrors of civil war. He expressed the opinion that under no possible circumstances was slavery likely to be introduced into California or New Mexico—the character of the climate and industrial pursuits of the inhabitants being unfavorable to the system. His subsequent action in the Senate was an exemplification of these views, having a single object in view, the preservation of the Union through the pacification of the country.

Mr. Clay believed that the President's plan fell short of what the crisis—for a crisis it was whose gravity was not generally appreciated—demanded, and he undertook to attempt "an amicable arrangement of all questions in controversy between the free and slave States growing out of the subject of slavery." In memoranda left by Senator Gwin it is related that Mr. Clay was at first in favor of the admission of California as a separate measure, but he was induced to make it a part of a general system of legislation on the slavery question by information that a compact had been made by a considerable body of Southern members of the House "never to permit a bill to pass the House admitting California until the right of the South to carry their property to the territories was first guaranteed by law." "Mr. Clay said that for the

[1] Correspondence New York *Tribune*, Sept. 7, 1849.

first time in his life, he thought the Union in immediate peril, and that the short remnant of days left to him would see it destroyed."[1] He therefore brought forward his series of resolutions on the 29th of January, 1850, embracing the admission of California; governments for New Mexico and Utah without permitting or prohibiting the introduction of slavery; adjustment of the disputed boundary of Texas and the allowance of ten millions of dollars to that State for the payment of her debt; the abolition of the slave trade in the District of Columbia; and a more effective provision for the rendition of fugitive slaves. The first clause of the second resolution repeated his Baltimore remarks, "That as slavery does not exist by law, and is not likely to be introduced into any of the territory acquired by the United States from the republic of Mexico, it is inexpedient for Congress to provide by law either for its introduction into, or exclusion from any part of the said territory." This was to reconcile the anti-slavery people to the omission of a direct endorsement of the Wilmot Proviso, and to open a way for the disunionists to modify their position. Mr. Mason of Virginia, an extremist, interpreted this declaration to mean, in Mr. Clay's view, that as the existing law abolished slavery, it could not be introduced there, "even if a law was passed repealing the statute already existing."

Jefferson Davis, of Mississippi, regarded this as a measure in which the South was to receive nothing. He would never consent to take less than the Missouri Compromise line extended to the Pacific Ocean, with the specific recognition of the right to hold slaves in the territory below that line; and to take them there while in a territorial condition. Mr. Clay's reply to this was worthy of him. He said:

> I am extremely sorry to hear the Senator from Mississippi say that he requires first the extension of the Missouri Compromise line to the Pacific; and also that he is not satisfied with that, but requires, if I understand him correctly, a positive provision for the admission of slavery south of that line. And now, Sir, coming from

[1] *The Century Magazine*, vol. xl., p. 790.

a slave State as I do, I owe it to myself, I owe it to truth, I owe it to the subject, to state that no earthly power could induce me to vote for a specific measure for the introduction of slavery either south or north of that line. Coming as I do from a slave State, it is my solemn, deliberate and well-matured determination that no power—no earthly power—shall compel me to vote for the positive introduction of slavery either north or south of that line. Sir, while you reproach, and justly too, our British ancestors for the introduction of that institution upon the continent of America, I am, for one, unwilling that the posterity of the present inhabitants of California and of New Mexico shall reproach us for doing just what we reproach Great Britain for doing to us.[1]

Other Senators contended that Congress had no right to interpose. "We have only asked," said Mr. Butler, of South Carolina, "and it is the only compromise to which we will submit, that Congress shall withhold the hand of violence from the territories." Mr. Calhoun gathered sufficient strength to dictate an elaborate argument against the resolutions, which was read to the Senate by Mr. Mason on the 4th of March. On the 31st of the month he died.

The debate continued for weeks with all parties as far apart as in the beginning. There was great unanimity in the North as expressed in the resolutions adopted by Whig and Democratic legislative bodies; and, what was more commendable, there was moderation in the expression of opinions. While the men of the North were willing to accord to the slaveholding States all the rights secured to them by the Constitution, they insisted that the rights of the free States were entitled to equal regard; and they could not consent to the extension of the exceptional institution to free territory.[2]

The Union would never be dissolved so long as "Old Rough and Ready" was President, exclaimed a North Carolina member in the heat of debate; and added with patriotic fervor,

[1] For convenient reference to the report of the discussion in the Senate at this time, see Horace Greeley's pamphlet, *History of the Struggle for Slavery Extension or Restriction*, 1856.

[2] See message of Gov. Seabury Ford, of Ohio; resolutions of Legislatures of Wisconsin, Michigan and the New England States.

that if the hour of trial came North Carolina would say, as she said in '75, "The cause of Boston is the cause of all of us." [1]

The Legislature of Tennessee, following the example of Governor Neil S. Brown, declared before adjourning that the patriotic people of that State would stand by and defend the Union "at all hazards, and to the last extremity." And such sentiments found expression elsewhere in the South. In the President's own State the question received a wise and dispassionate discussion in an influential journal, reflecting, doubtless, his opinions. It deprecated the excitement in the South and the rule of passion and prejudice instead of reason. Believing slavery to be a political evil, was it surprising that the people of the North should desire to go all the lengths warranted by the Constitution in preventing the extension of it? And so long as they confined themselves in these prohibitory efforts within the limits of the Constitution, and so long as they did not infringe on the established rights of the South, why should Southern people be excited to intemperate remarks in opposition to them? There could be no invasion, no infringement of their just rights without the destruction of the Constitution, or the remodelling of it, and when that period arrived it would be time to talk of a "separate Southern republic." The Congress was clothed with full power to legislate for the territories, and to prohibit the slave trade in the District, and belief in the expediency of such action was entitled to respect. The prohibition of slavery in the territories then free would cause no real or direct injury to the Southern people, "because, without the prohibition they could not and would not take their slaves there." [2]

This moderation, this appeal to reason, did not seem to restrain the extremists, who were planning desperate measures. What deeply impressed Mr. Seward on the occasion of his visit to Charleston in 1849, was

the depth and hold which the doctrine of disunion seemed to have gained upon leading minds in South Carolina. At Washington,

[1] Correspondence. *MS.*

[2] The Concordia (La.) *Intelligencer*. See also *Niles*, vol. lxxv., p. 172.

disunion sentiments were usually heard only in the heat of debate. But in Charleston they were discussed with philosophical calmness at the dinner table, and the consequences to flow from them regarded with hope rather than dread.[1]

Alex. H. Stephens read in the signs of the times only portents of evil.

Of one thing [said he in a confidential letter[2]] I am certain: civil war in this country better be prevented if it can be. The general government I know is strong, but the different sections of this Republic cannot long be kept together by force. This is what I tell our friends (of the North), but of the signs of the times not the least ominous is that they do *not believe it.* The excitement in the South upon the slave question is much greater (I know it) than those who are at the head of affairs here have any idea of.

The extreme Southern gentlemen [said Governor Morehead] would secretly deplore the settlement of this question. There are more who are for disunion *per se* than you have any idea of. The magnificence of a Southern confederacy, with power, honors and office to be obtained without Northern competition with overwhelming numbers on its side, is a dazzling allurement to consummate the scheme. They count on obtaining Cuba, forming a close commercial alliance with Great Britain, getting Jamaica from her, and finally adding a large part of Mexico. The mad and traitorous scheme occasionally leaks out, and the public mind is to be prepared to embrace it; and, strange to say, our Northern friends are daily playing into their hands by attempting to use the moral force of the general government to weaken the tenure of the property of the South to the amount of not less than fifteen hundred millions of dollars.[3]

In a private letter, written Dec. 20, 1849, Francis P. Blair, an intimate friend of General Jackson, and a man of great political sagacity, expressed the belief that the Southern leaders were consciously laboring for the disruption of the Union. He said:

[1] *Seward at Washington*, vol. ii., p. 109.
[2] To Governor Crittenden, December 17, 1849. *MS.*
[3] C. S. Morehead to Governor Crittenden, Feb. 11, 1850. *MS.*

You see how badly things go at Washington. They will go from bad to worse. Slavery is on everybody's tongue as the cause. *It is in fact only the means of making the impending issue.* Calhoun and his instruments are really solicitous only to break the Union. They think that by separation, excluding Northern tonnage by heavy duties, making all carriers of the Southern staples belong to Southern ports, and the commerce between the slave States and Europe direct, that Charleston and the South would be built up. Dissolution for any cause they think the consummation of glory for the South, and now they are most happy in supposing they have a good pretext to further their object. Your President is, I believe, one whose firmness is likely to make him approach Washington and Jackson in renown by weathering the storm.[1]

The formidable character of the disunion movement was revealed to the President, and was met by him with patriotic firmness. Without hesitation he let it be understood that if there were any overt act he would promptly punish the traitors. This fact, which seems to be well authenticated, has received different versions in the relation. Thurlow Weed in his *Autobiography* declares circumstantially that Messrs. Toombs, Stephens and Clingman called on General Taylor to induce him to veto the bill permitting California to enter the Union as a free State; that "it was a stormy interview with threats of disunion on one hand and of hanging on the other"; that the President believed that Jefferson Davis, his son-in-law, was the master spirit in the movement; and that the facts were communicated to Senator Hamlin, of Maine, and himself within ten minutes after the interview closed. Mr. Weed does not say who communicated the facts to him, but the inference is that it was either the President or a member of the Cabinet. Clingman was an extremist, but the imputation that Stephens and Toombs threatened disunion is undoubtedly unwarranted. Their unpublished confidential correspondence covering this period contradicts it and shows that they were not opposed to the admission of California. Toombs's letter

[1] Letter addressed to John J. Crittenden. *MS.*

to the Governor of Georgia, as we have seen, reserved the right to vote for her admission. They favored the compromise plan of Mr. Clay, and in endeavoring to persuade the President to consent to its substitution in place of his own, referred to the bold threats of the extremists in justification. The reply of the President was characteristic of a blunt and patriotic soldier.[1]

It was undoubtedly this threatened danger to the Union—the Union commended to them in the farewell words of Washington as the edifice of our real independence, the support of our tranquillity at home, our peace abroad, our prosperity, our safety, and of the very liberty which we so highly prize—the Union for which they had spoken in language of lofty eloquence on occasions of supreme importance—that moved Mr. Webster and Mr. Corwin to support compromise measures in 1850. The country was expectant, but the North was not prepared for the part which these great leaders took in the controversy.[2]

The speech of Mr. Webster of the 7th of March was a profound disappointment. There was a falling off in moral tone, although the theme was the Union and its blessings, as on the occasion of the immortal reply to Hayne. It was the same Webster, unrivalled in power to reach the sublime in argument; and yet not the same, as there was lacking a like depth of conviction in the utterance. This speech cost Mr. Webster dear; old friends fell away, and harsh and unjust criticism was indulged in, imputing interested motives in connection with the presidential office. We are, perhaps, none of us tolerant where our feelings are deeply enlisted. On another occasion, after the criticisms of his constituents had

[1] For Mr. Weed's account see vol i., p. 617, of the *Autobiography*.

[2] Mr. Corwin's name is included in the text because he accepted a place in the Fillmore Cabinet, for which he was severely censured. But it is due to his memory to state the fact that he went with Mr. Seward in support of the Taylor plan of adjustment. As late as June 4th he wrote to a friend (I quote from a MS. lying before me) as follows: "I think you will find the compromise bill an impracticable remedy for agitation, and at last, the plan of the President will be found the only permanent cure for the greatly magnified malady which afflicts us."

reached him, he reviewed his 7th of March speech in justification, closing in these words: "My heart, my sentiment, my judgment, demand of me that I shall pursue such a course as shall promote the good and the harmony and the union of the whole country." It was a younger statesman, charged with grave responsibilities when the disunion which Webster sought to avert was straining the military power of the government, who said to his discontented critics that his paramount object was to save the Union and neither to save nor to destroy slavery. And the country applauded the patriotism of Abraham Lincoln twelve years after Webster's condemnation.

But Massachusetts was lost to Mr. Webster. Everett and Choate and Winthrop and the mercantile class stood by him, but Harvard, the eminent literary men, and the brilliant politicians of a younger generation, while regretting him, kept Massachusetts in the van of the Free Soil movement.

In April, on motion of Mr. Foote of Mississippi, a special committee of thirteen, of which Mr. Clay was chairman, was chosen, to whom were referred the various propositions before the Senate relating to the slavery controversy. On the 8th of May, Mr. Clay made his report, accompanied by bills to give it effect. The principal bill, covering three subjects, provided for the admission of California, with the boundaries which she had proposed and her free State constitution; the establishment of territorial governments, without the Wilmot Proviso, for New Mexico and Utah; and the establishment of the boundaries of Texas, and the exclusion from her jurisdiction of any part of New Mexico, with the grant to Texas of ten millions of dollars as an equivalent. Two other bills provided for a more efficient fugitive slave law, and prohibited the slave trade in the District of Columbia. This comprehensive scheme was known in the discussion that followed as the Omnibus Bill.

Mr. Seward represented the administration in opposing the compromise. President Taylor was firm in his belief that no compromise was necessary; that it was the duty of Congress to admit California with the constitution she had presented,

and that it was wiser to leave the remaining territory acquired from Mexico under the existing military government until prepared for taking on statehood than to attempt legislation. This prohibited slave immigration under the Mexican law, but circumvented the Wilmot Proviso. But General Taylor was convinced that the people in all that region would form free constitutions, and that legislative application of the principle of the Ordinance of 1787 was wholly unnecessary. It is evident that it had been his purpose from the day of his inauguration that slavery should be extended no further under his administration.

This policy alienated the Southern Whigs from the administration. The Cabinet was held responsible rather than the President. Alexander H. Stephens believed that the whole energies and influence of the government were directed against the settlement of the slavery question, and that Preston was the leader of the policy, which seemed to be an attempt to ally General Taylor with the Free Soilers. The effect of it would be to exterminate all of his friends from the capital to the Rio Grande, and lose him half of his support in the free States. Mr. Clay's Compromise would pass the Senate and the House also by a large vote if the administration were not so against it.[1]

The extremists of the South and the Free Soil Senators united in opposing the Omnibus Bill. The former also objected to the President's plan that California had acted under executive dictation. They hoped to defeat all legislation. The Free Soil Senators hoped to secure the admission of California without any compromise and later to secure affirmative action on the Proviso in the enactment of laws for the government of New Mexico and Utah. For a time the prospect of Mr. Clay's scheme being realized was so unfavorable that a New York paper[2] widely circulated in the South, asked "Where is the Compromiser Clay?" to which it made answer that he was "politically dead"; that he had betrayed the South; was

[1] Alex. H. Stephens to Governor Crittenden, May 7, 1850. *MS.*

[2] New York *Herald.*

a renegade to his own State, and that there was "not a Whig Senator, or Whig member of the other House from the Southern section, so poor and God-forsaken as to do him reverence."

But the power of the great Kentuckian had not diminished. When he spoke every foot of space in the great circular chamber occupied by the Senate was filled with eager listeners, many ladies remaining standing for hours, and applause cheered him as in other days.[1] Unbent with the age of seventy-three years, he stood upon the floor a commanding figure, serene and self-possessed, his courteous and dignified bearing adding an indefinable grace to his persuasive argument. His vigilance never relaxed, although he became haggard and worn during the eight months the exciting discussion continued, until both Houses had acted decisively.

The conflict was suddenly arrested by the death of the President on the 9th of July, after a brief illness. Mr. Seward had written home on that very day: "The Compromise is supposed to be lost, but Heaven knows what will be the change that the President's withdrawal from us would produce."[2] The change was a radical one. Upon the Vice-President was placed the responsibility. Mr. Seward advised the retention of the Taylor Cabinet, with the exception of the Secretary of War, who had been censured by the House of Representatives

[1] "The popular thirst for the eloquence of Mr. Clay is not yet satisfied." May 13, 1850. *Seward at Washington*, vol. ii., p. 132.

[2] *Ibid.*, p. 144. Horace Mann, the merciless critic of Webster, viewed with alarm the death of President Taylor. These extracts from his diurnal correspondence have the freshness of present time:

"WASHINGTON, July 9, 1850.

"It is a sad hour. News has just come from the White House that the President is dying. If he dies it will be a calamity that no man can measure. His being a Southern man, a slaveholder and a hero, has been like the pressure of a hundred atmospheres upon the South. If he dies, they will feel that their strongest antagonist has been struck from the ranks of their opponents."

"July 10. Long before this reaches you, you will have heard that General Taylor is gone. It is indeed a sad event for the country.—The course of General Taylor has been such as to conciliate me, and all whose opinions have coincided with mine, to a degree which we should have thought beforehand impossible. He had probably taken the wisest course he could have taken."—*Life of Horace Mann*, vol. i., p. 307.

for his relations to the *Galphin* claim. The Southern Whigs urged the appointment of a new Cabinet; Mr. Fillmore hesitated, wished to delay the decision thirty days, but on being pressed yielded and accepted the resignation of the Taylor Cabinet. Mr. Webster was brought in as Secretary of State, and Mr. Corwin as Secretary of the Treasury, thus indicating his purpose to make a new departure in policy. The views and wishes of Mr. Clay were fully met.[1] The influence of the administration was thrown in favor of the Compromise and it proved to be potent in the final settlement. The sectional opponents united, defeated the Omnibus Bill, but every measure proposed in the resolutions originally introduced was secured in a separate act.[2]

Considered in the light of to-day substantial gains were made for freedom by this contest. The admission of California with her free State constitution and chosen boundaries, under the circumstances, was a very great victory. The pro-slavery party in the State convention intrigued for a division of territory on the line of 36° 30′, and failing there, confidently expected that it would be carried through Congress as a compromise.[3] Jefferson Davis said, as we have seen, that such a division and the distinct recognition of the institution of slavery south of that line was the only compromise he would accept. He was defeated. There was no affirmative action carrying slavery to any territory. It was the opinion of Mr. Webster at that time—and this was expressed in justification of his course, and in gratulation to the country—that there was not a rod of territory belonging to the United States, the character of which, for slavery or no slavery, was not already

[1] "Mr. Clay is happy. The administration is, in all its parts, acceptable to him, and he is now the dictator he aimed to be."—*Seward at Washington*, vol. ii., p. 148.

[2] We remark a curious fact in this connection. The recorded votes on the four leading measures show that only seventeen out of sixty Senators voted for all of them, and yet they all received a constitutional majority; and of the committee of thirteen who reported the measures, only four voted for all of them.

[3] See article in *The Century Magazine*, vol. xl., *How California Came into the Union.*

fixed by some irrepealable law.[1] He believed, and the whole country believed, that the Missouri Compromise was a permanent barrier for the protection of the territory lying west of the Missouri. The breaking down of that barrier forms the next chapter in the slavery controversy, in which is recorded the greatest political blunder in the history of the Republic.

When the resolution introduced by Daniel Gott of New York, on the 21st of December, 1848, instructing the committee for the District of Columbia to report a bill prohibiting the slave trade in the District, was adopted by the House, the Southern members withdrew and the whole South was thrown into the most turbulent and furious excitement.[2] Now this measure was secured, and with the aid of Southern votes.

The one measure that went to perpetuate the barbarism of slavery—that struck at the moral sentiment of the country, and that hastened the inevitable conflict—was the fugitive slave law. The decision of the Supreme Court in Prigg *vs.* The Commonwealth of Pennsylvania invited further legislation to cure the defects of the law of 1793. The bill reported by Mr. Clay from the special committee of thirteen proposed to effect this in a way that would have been a safeguard to free colored persons beyond anything in the original law, and without disturbing the peace of communities where arrests should be made. Claimants were required to produce records of identification under seal of some competent tribunal, and

[1] Speech of June 17, 1850. *Debates of Congress*, vol. xvi., p. 558. Col. Benton adds in a footnote: "It is impossible to read the speeches of this session and hear, as it were, the last words of the last great men of that wonderful time, without having the feelings profoundly moved by the deep danger to the Union which stood before them, and the patriotic attempts they made to avert that danger."

[2] Speech of the Hon. Pierre Soulé at Opelousas, La., Sept. 6, 1851, who quotes approvingly the comment made by the New Orleans *Picayune*, when the vote was taken on Mr. Gott's resolution:

"This is such a direct meddling with the right of property of the citizens of the District, and so bold a step towards interference with the rights of the States, that the South must necessarily make an issue on it. The aggressive spirit of Northern abolitionism should be met here, and the consequences of a collision in all their breadth and depth staked upon it."—Pamphlet, p. 9.

to give bond to allow the arrested person a public trial to establish his freedom, and if found entitled to freedom to return him whence he was seized. As passed, the fugitive slave law was a very different measure, without safeguards for the slave, harsh and repugnant to the sentiments of humanity. It was introduced by Mr. Mason of Virginia toward the close of the struggle and forced through under the cover of compromise. If Northern representatives had not shirked their duty it would have been defeated, or amended to conform to the original report.

During the prolonged contest in the Senate, the anti-slavery sentiment of the North did not lack for able exponents. The speeches of "Honest" John Davis of Massachusetts, of Mr. Seward and of Mr. Chase, have their place with those of Webster and Clay and Benton. Ohio's new Senator showed that he was capable of the highest intellectual reach and that he was thoroughly patriotic and sincere.[1] The "higher law," of which Mr. Seward discoursed, created some excitement and extended comment, but it is less calculated to attract the attention of the historian than the philosophical reflection that "complete and immediate emancipation" would surely follow disunion and civil war.

[1] "We of the West," said Mr. Chase, in speaking of the compromise measures, "are in the habit of looking upon the Union as we look upon the arch of Heaven, without a thought that it can ever decay or fall. With equal reverence we regard the great ordinance of freedom under whose benign influence, within little more than half a century, a wilderness has been converted into an empire. Ohio, the eldest born of the Constitution and the Ordinance, cleaves and will cleave faithfully to both."

CHAPTER V

INDUSTRIAL PROGRESS AND THE TARIFF—FUGITIVE SLAVES —FILIBUSTERING IN CUBA—THE NEW DEMOCRACY AND DOUGLAS

SO completely did these purely political questions growing out of the war with Mexico absorb public attention, that less thought was given to other subjects than their importance warranted. New social influences were coming into play, which were destined to widen the sectional divergence, and, indeed, to change the character of American civilization.

While the American soldiers were bringing to a brilliant close a war for conquest, and American statesmen were wrangling over the fruits thereof, the spirit of liberty was abroad in Europe, filling the hearts of the people with hopes which promised a greater measure of human happiness and the enjoyment of responsibilities which of right belong to the free. There were uprisings everywhere on the continent against the system of despotic repression which took its rise under the Holy Alliance. Louis Philippe fell, the Emperor of Germany fled from Vienna, the Pope was a fugitive at Gaeta, and suddenly Paris, Berlin, Frankfort, Vienna, Pesth and Rome became the capitals of virtual if not acknowledged republics. Thus 1848 gave brilliant assurance of the deliverance of all Europe from the wrongs and abuses which had so long prostrated the peoples in the dust. Everywhere concessions were made to the people and the future was full of promise for re-

form. But the close of 1849 witnessed the triumph and restoration of despotism, the re-establishment of the repressive policy of Metternich. Such of the patriotic leaders as escaped sought refuge in the United States. Governor Ujhazi and companions immediately upon arrival in New York renounced all allegiance to Austria and took preliminary steps to become American citizens. Later our government secured the release of Kossuth, placed a public vessel at his service and made him its guest. The popular ovations that greeted this wonderful man are still remembered by thousands who participated in them. The tide of immigration that now set in brought to our shores industrious, worthy persons, many highly educated, republicans at heart, who in a few years sealed their patriotism in defence of the Union.[1]

To aid these new citizens who chiefly sought the free West, where labor was held to be honorable, to become prosperous and happy, educational facilities were everywhere increased, the acquisition of homes was rendered easy, and few burdens were imposed. The common interest was promoted by the new postage rates of five and ten cents, which had gone into effect during the Polk administration, and by the extension of mail routes.

The genius of enterprise and invention promised more wonderful things. Already in 1849, 5700 miles of railroad had been constructed in the United States; telegraph lines had reached the Mississippi, and the bold and ingenious project of Henry O'Reilly to extend these across the plains to the Golden Gate in conjunction with a government post-express was being discussed; a new importance was given to agriculture by the use of machinery developed from the invention of McCormick; the introduction of the rotary press for printing was multiplying books and papers; and the rapid building of a railroad across the Isthmus of Panama brought nearer the El Dorado just incorporated into the Union of States. Related to this

[1] The extent of this new movement will best be understood by a comparison of figures. In 1820 the immigrants numbered 8000; in 1849, 300,000; in 1850, 428,000.

last event was the successful negotiation of an important treaty with Great Britain, which secured the neutrality of inter-oceanic ways; which guaranteed to the Central American states freedom from the encroachment of foreign Powers, and inaugurated a new era in diplomacy, the accomplishment of which reflects honor on Secretary Clayton and the Taylor administration.

The seventh census, which showed the United States to have a population of 23,191,876,[1] disclosed the fact that the industrial conditions of the country were highly satisfactory. The increase in wealth had been sixty-four per cent., as against forty-two during the previous decade. The discovery of gold in California attracted a considerable population thither, opened a new field of trade in which the States had a monopoly, and created a new supply of money which speedily found its way to the Eastern marts and stimulated new enterprises. All labor commanded higher wages, which were paid in the money of the world, and the country took on that appearance of prosperity that insures an increase of social comfort and of happiness. The failure of crops in Europe in 1846–47, and the distress that followed, created an enormous demand for our agricultural products, for which high prices were received, and still further increased our wealth. This advantage was continued after the distress had been relieved and good crops had been garnered in Great Britain, by the revolutions of 1848 on the continent, which diminished production and cut off competing sources of supply. The tide of immigration, now flowing in unprecedented volume, still further stimulated growth in the United States, by opening up new lands and adding new and skilled hands to manufacturing enterprises,

[1] The census gave the following results as to the population of the sections:

Free States	13,434,798
Slave States (white)	6,412,503
Slave States (slaves)	3,200,412

When the apportionment was made for Representatives under this enumeration the 6,412,503 whites of the South and their slave property had 90; the 13,434,798 inhabitants of the North, 144. With slaves omitted from the calculation, the North's representation would have been 180; the South's 54.

which despite the non-protective tariff of 1846 were undertaken. This was especially true in the central West, where the home market was constantly growing in importance and the cost of transportation was a considerable element in every transaction.

The ten years following the enactment of the Walker revenue tariff of 1846 opened a wide field of controversy between the political economists of the free trade and protection schools. Many years afterwards the author of the tariff of 1846 reviewed its workings, and declared that its benefits had exceeded the most sanguine expectations; and that none of the evils—destruction of manufactures, discouragement of agriculture and increase of frauds on the revenue—predicted of it had been realized. He gave to his tariff the whole credit for the great increase of wealth from 1850 to 1860, which was in excess of 126 per cent.,—nearly double that of the preceding decade. Our agricultural products had increased ninety-five per cent., and our manufactures eighty-seven per cent., while our imports, exports and revenue had nearly tripled in the same period of time, and our domestic trade had more than doubled. Even our carrying trade grew with such rapidity that in a few years our tonnage exceeded the tonnage of England. Therefore it seemed clear to him that when the shackles were removed from our commerce and industry, including the immense indirect taxation by the tariff of 1842, the country sprang forward at a bound unparalleled in history.[1]

While Mr. Walker took into account the production of gold in California, he left out of his calculation the effects of the very large immigration of industrious people during the ten years following the enactment of the tariff of 1846. Nearly three millions were added to our own population who engaged in productive labor, augmenting our wealth and stimulating enterprise in every field of industry. If these newcomers upon their arrival were possessed of only an average of twenty dollars each (which was probably below the actual sum) the

[1] *Our National Finances*, letter of Robert J. Walker, ex-Secretary of the Treasury, Nov. 30, 1867 (pamphlet), pp. 1–15.

currency of the United States was increased by nearly sixty millions of dollars.

But protectionists attributed the prosperity to exceptional conditions at home and abroad, upon which it was unwise to base a fiscal policy. They contended that a system which discouraged manufacturing enterprises and unduly stimulated agriculture was a direct injury to the latter interest, and cited these facts in proof: That the export of wheat and flour during the eighteen years preceding 1849 averaged only $8,647,700 a year; whereas the four millions of inhabitants engaged in manufacture and mining consumed five times as much, thus furnishing a much more important market for the farmer.[1] The petitions of those engaged in manufacturing industries laid before Congress, asking for a return to the tariff of 1842, were proof that foreign competition was driving home manufactures to the wall.[2] This was asserted to be especially true of the woollen industry, which decreased every year after the tariff of 1846 went into effect until it was on the verge of extinction after a ten years' struggle.[3] The reduction of duties on iron products increased the imports four and a quarter times and "destroyed, in a good degree, the competition of our own produce and manufactures." The foreign manufacturer, by reducing the price of our own product and by a reduction of tariff rates, having possessed himself of the control of our market, proceeded to raise his prices, to the injury of American consumers.[4] The heavy importations which had increased from $117,254,564, in 1845, to $178,138,318, in

[1] Report of the Committee on Ways and Means, 1849. A report for 1853 showed that, excepting cotton and tobacco, our total exports of other agricultural products, including live stock, amounted to $33,809,126; whereas the whole value of these products was $1,551,176,490.

[2] *Ibid.*

[3] *Financial History of the United States, 1789–1860*, p. 457. This author quotes the Tariff Report, Aug. 11, 1856, 34th Congress, first session: "The home market was destroyed for the farmer; in the foreign markets he could not compete; and the flocks were sent to the slaughter because the woollen factories had been sold at auction, or converted to other services." The decrease was in the production of fine woollens.

[4] Report of Thomas Corwin, Secretary of the Treasury, January 20, 1853.

1850, and $304,562,381, in 1854, drained the country of its gold and raised the rates for money, to the distress of men engaged in business.

Yet the victory remained with the free trade advocates. So little did the subject engross the attention of the general public, all efforts of the Whigs to revive the protection policy failed. Mr. Webster, who represented the great merchants of Boston, Mr. Morehead, Mr. Berrien and other leaders had hoped to bury the slavery issue beneath a movement to restore the tariff of 1842, and thus reunite the Whigs of the two sections; but it was impracticable. A large portion of the party in the North had drifted away on another issue, while party lines in the South had been practically obliterated. The Southern section was devoted to agriculture and chiefly to the production of those staples, cotton, rice and tobacco, which made up so large a part of our exports. Most of those statesmen who in the beginning of their careers (as in the case of Mr. Calhoun) believed in encouraging manufactures, adopted later the views of Mr. Jefferson that an agricultural people were the happiest, and advocated a tariff for revenue only. Yet this sentiment was not confined to the South: it was entertained by the majority of the Democratic party,[1] and the Free Democratic element.

The revenue derived from the large importations more than met the necessities of the government, and in 1857 further

[1] A committee of representative men appointed by a Democratic convention of Hamilton County, Ohio, in 1845, proclaimed this doctrine: That "manufactures are not of themselves objects of desire to a free people or of favor for a free government," and that they did "not deserve political favor, where land is abundant and the people free." Therefore they solemnly protested against a policy which, like that of the tariff of 1842, "aims to withhold and withdraw our people from the sunny sky and verdant landscapes of the West, to toil amid the lurid and mephitic atmosphere of factories and cities." See *Letter to the Secretary of the Treasury on the Effect of the Tariff of 1842 on the Agricultural and other Interests of the West*, by a Committee of the Democratic Convention of Hamilton County, Ohio, 1845 (pamphlet), pp. 1–24.

This letter, which was undoubtedly the joint production of Elwood Fisher and Charles Reemelin, supplied Mr. Walker with hints for his arguments in favor of his revenue system in 1846.

reductions were made in the tariff tax. It was suggested by representatives of the protection principle that the revenue might better be reduced by increasing the tax on articles in the manufacture of which American capital was employed, but the acquiescence in the revenue tariff was so general that all parties participated in the reduction of 1857. A majority of the New England Senators and Representatives voted for the measure, while the opposition came chiefly from Pennsylvania and the West, where the iron interest was much depressed. Immediately after this act went into effect a financial panic swept over the country. This hastened the time when the policy of protection was destined to play an important part in effecting a political revolution; but until 1860 it was virtually eliminated from political campaigns.

In the place of old party issues one subject of fearful omen is to pervade American politics, and in the changes that begin with 1851 and increase in volume during the decade, it is the influence that shapes the destiny of parties, disrupts religious bodies, augments or diminishes trade, and invades and demoralizes social life.

The zeal everywhere displayed by political leaders and by the great merchants, in declaring that the compromise measures were a complete adjustment of the slavery controversy, was irrefragable evidence of a condition of unrest which could not be laid by solemn declarations. No written pledges to stop agitation and to refuse to countenance any person hostile to the peace measures sufficed to reconcile the conscience of the North to Mason's drastic measure for the rendition of the poor slave fleeing from bondage, which had been substituted for the mild and well-guarded proposition of Mr. Clay.[1] And

[1] The politicians and business men of New York combined to compel an acquiescence in the Compromise. A great ratification meeting held at Castle Garden, Oct. 30, 1850, was followed in September, 1851, by the merchants signing a pledge to carry out the resolutions of the Castle Garden meeting, not to support any candidate hostile to the peace measures, or to countenance further agitation.

While this action in the North brought to bear a powerful influence to suppress agitation, the course of Senator Foote on the reconvening of Congress defeated the policy of suppression. Thinking that a declaration by the Senate as to the

yet the faithful execution of that law was the chief condition on which the cotton States would consent to remain in the Union.[1] The Nashville secession convention had fallen before the Compromise, which strengthened the hands of Union men in the Southern States. Tennessee repudiated the disunion utterances that had dishonored her capital by electing in 1851 a Whig Governor[2] and a Whig Legislature, which insured the choice of a United States Senator to represent the Union sentiment of the State. In North Carolina, Edward Stanly, an able and patriotic Representative, who had been called a "Southern man with Northern principles," was re-elected by an increased majority. The counties of northern Georgia voted almost solidly "Union," and even Mississippi was carried for the Compromise despite the strenuous efforts of Jefferson Davis, aided by Governor Quitman.[3]

In these representative cotton States the contest which was prolonged through many months was one of the most remarkable in Southern political history. It was between the secession and Union elements—between those who believed

finality of the Compromise would strengthen him in Mississippi, he introduced a resolution to that effect, thus thrusting the banished agitation again upon the Senate, and suggesting a doubt as to the justice of the compromise measures.

[1] "That it is the deliberate opinion of this convention that upon the faithful execution of the fugitive slave bill by the proper authorities depends the preservation of our much-loved Union."—Fifth resolution of Georgia State convention, probably penned by Alex. H. Stephens.

[2] William B. Campbell, who publicly declared that while he was a Whig he was above all "for the Union of the States under our present glorious Constitution," to the preservation of which he pledged life, fortune and honor. His opponent was handicapped by the disunion attitude of the Democratic party of the State. See Phelan's *History of Tennessee*, p. 434.

[3] "That we had a division in relation to the measures enacted in 1850, is true; that the Southern Rights men became the minority in the election which resulted, is true. . . . Our flag was never borne from the field. We had carried it in the face of defeat, with a knowledge that defeat awaited it; but scarcely had the smoke of the battle passed away which proclaimed another victor, before the general voice admitted that the field again was ours. . . . The next election which occurred showed that we possessed the State beyond controversy."—Jefferson Davis in reply to Stephen A. Douglas, May 17, 1860. *Cong. Globe. Rise and Fall*, vol. i., p. 44. Compare with Senator Foote's views, *The War of the Rebellion*.

that, as a conflict was inevitable, the South should secede before the disparity between the sections greatly increased, and those who held that the South would stand unjustified before the world for any step towards disunion until the government committed some overt act against her rights.[1] In Mississippi the two Senators represented the opposing views, and after an animated canvass Senator Foote, who had proposed the committee of thirteen and supported the Compromise, was elected Governor by a small majority.[2] The Georgia secessionists—Southern Rights party—nominated ex-Governor McDonald, for Governor, and entered upon the canvass with great confidence. Early in June the Constitutional Union party, which was made up of Whigs and Democrats, held a convention and nominated Howell Cobb for Governor. The resolutions adopted declared in favor of the Compromise; declared the party's devotion to the Union of the States, and denounced the course of the Southern Rights party as calculated to create dissensions and endanger the Union.

The Southern Rights party was constituted of secessionists who, finding the time not propitious for their purpose, declared that they were in favor of some measure of redress for the wrongs committed by the North that was constitutional, and they endeavored to persuade the people into the belief that an act of non-intercourse by the State Legislatures would be a peaceful and effectual mode of resistance.[3] This was repeating the South Carolina nullification policy which was crushed by Jackson. The Georgia secessionists hoped now to be more successful and by inducing the State to adopt non-intercourse—the first step—draw the other cotton States into a league that should involve disunion as a logical consequence. During the campaign the real purpose of the secessionists was exposed by Cobb, Stephens and Toombs on the stump. Mr. Cobb received the endorsement of a majority of the people,

[1] Correspondence of Robert Toombs. *MS.*

[2] General Quitman, who had been first entered as the Secession candidate, was withdrawn in the midst of the canvass and Jefferson Davis substituted. Foote's majority was only 999.

[3] Correspondence of Alex. H. Stephens. *MS.*

which postponed the proclamation of a Southern confederacy a few years longer.

Admonished by this defeat, the disunionists adopted new tactics. They bent their energies to consolidating the South and then offered a union with the Democrats of the North on a pro-slavery basis. The extent and the force of this movement were revealed by the presidential election of 1852.

The elections in the Northern States in 1851 showed that the Democratic party was reaping the benefit of the Compromise, as it was able to command a larger support in the South than the opposing party, and thus to hold out greater inducements to aspiring politicians. It carried Pennsylvania and Ohio by large majorities. The defeat of Governor Johnston, of Pennsylvania, who shared with Mr. Seward the maledictions of the pro-slavery press, was a severe blow to his party, as it placed that great State in line with New York in the election of a President. In Ohio the Whigs nominated for Governor, Samuel F. Vinton, a statesman of thoroughly conservative character who had served as chairman of the Committee of Ways and Means during the Mexican War with conspicuous ability. Even the high character and fitness of Mr. Vinton failed to secure the return of the Free Soil Whigs, who voted for Samuel Lewis, thus giving the Democrats an easy victory. On the other hand, many Free Democrats who had voted for Van Buren in 1848 supported the Democratic State ticket.

The dream of Senator Chase that it was possible to reconstruct the Democratic party on Jeffersonian principles was not dissipated until after the next Democratic national convention. By his persuasion a convention of Democrats in Ohio, in 1851, had denounced "the Whig Compromise of 1850"; had declared that the Democracy of the Union was competent to dispose of the question of slavery and its relations to the State and national governments on a permanent and final basis, as follows: "Abstinence from all interference with the internal legislation of any State, whether upon the subject of slavery, or any other municipal concern; the severance of the national

government from all support of slavery, and the exercise of its legitimate influence on the side of freedom." To reconcile the Southern brethren to this broad policy he offered this additional resolution:

> That free trade is the true policy of all nations, to which all nations must ultimately return; but while the revenues of the country are mainly derived, as now, from imports, every interest should be equal, in the regard of government, in respect to burdens imposed.[1]

This episode is an amusing satire on the real purposes of the Democracy of this period. Those purposes were to cement the Union by strengthening slavery, and to secure the control of every agency of government to that end. The leaders alone seemed to understand the extent to which society was compromised with slavery, and calculated with precision the conservative force of this relation. If the sentiment of the Christian nations of the world was against human bondage, those nations were yet the bulwark of the system. They supplied the stimulus for its expansion; they encouraged the slave trade with its accumulating horrors; they increased the exertions of the slave drivers. Society derived its wealth and its comfort from slave labor. Millions wrought its products into new forms, and were dependent upon the continued supply thereof for their daily bread. That this is no exaggeration of the conditions will be made clear from what follows.

British legislation in 1846, equalizing the duties on free and slave sugar, prostrated the agricultural industries in the British West Indies, which had been languishing since emancipation, and gave a new impetus to those of Cuba and Brazil. Down to this period a discriminating duty, promised by Lord Melbourne's government to the planters in 1834, had rendered it possible to continue the cultivation of coffee and sugar, but when that was removed the property invested in the plantations was virtually confiscated. Within six months after the

[1] *Resolutions of the Convention of the Democracy of Northwestern Ohio* (pamphlet, 1851), p. 8.

law went into effect the great influx of slave-grown sugar reduced the value from £26 a ton to £14 a ton, which was £6 a ton less than it could be produced for by free labor.[1] From the standpoint of economy, emancipation had proved a blunder. The colonies enjoyed their greatest prosperity when it was possible to renew the labor employed every seven years. With the loss of fresh hands decadence set in, and was accelerated by emancipation. The percentage of difference between free- and slave-labor production was as seven to sixteen, being equal at five per cent. to an investment of about thirty-two million pounds sterling of property annihilated in ten years.[2] The experience of the Jamaica planters was similar to, but less disastrous than, that of the French in San Domingo. Under slavery that colony exported 672,000,000 pounds of sugar and consumed nearly $50,000,000 worth of French manufactures, but under freedom and a state of revolution commerce was nearly destroyed.

This depressed condition invited criticism. The press lamented the past. One hundred and forty million pounds sterling had been spent in fifteen years to destroy slavery and the slave trade, to what end?

> Our poorer people have been deprived of comforts which would have sweetened, literally and figuratively, their existence, because we would deal heroically with slavery and the slave trade. The chains of the negro have been broken in marble. The fame of many renowned names has been won by feats of eloquence and zeal in this sacred cause. We celebrated many victories over the iniquity. But lo! slavery and the slave trade are stronger than ever. On this subject England has done two noble things, and committed two blunders. The nobleness has been ethical, and the blunders have been economical.[3]

Happy would it have been, exclaimed a writer in *Blackwood*, if the slave trade had never been abolished, for then England would have regulated the traffic. "But now we have

[1] *Blackwood's Magazine*, Feb., 1848.

[2] Memorial of Jamaica Planters to British Parliament. See *Blackwood's Magazine*, January and February, 1848.

[3] *Westminster Review*, Oct., 1849.

thrown it entirely into the hands of the Spaniards and Portuguese, over whom we have no sort of control, and who exercise it in so frightful a manner that the heart absolutely sickens at the thought of the amount of human suffering at the cost of which we have reduced the price of sugar to sixpence a pound." [1]

The repeal of discriminating duties by England, which supplied her people with cheaper sugar and coffee, and the enormous increase in the demand for these articles everywhere, advanced the price of slaves in Cuba from $300 to $500, and stimulated the importation of Africans into that island and Brazil, where the lash was mercilessly applied to wring from their labor the products which the civilized world required, and the wealth which made their fellow men little better than sordid and unfeeling monsters. In Cuba slaves worked under the whip eighteen hours a day, and the six hours during which they rested "they spent locked in a barracoon—a strong, foul, close sty, where they wallowed without distinction of age or sex." [2]

If England looked to Brazil for her coffee, and to Cuba to make up any deficiency in her sugar supply, she was now almost wholly dependent upon the United States for her cotton, the manufacture of which had become an enormous industry. In 1820 the United States exported 127,800,000 pounds of cotton to Europe, of which England consumed 120,265,000 pounds, while she imported in addition from India, Brazil and other countries 98,500,000 pounds. Twenty years later the United States shipped to Europe 743,941,061 pounds, of which England consumed 517,254,400 pounds. In 1849 our

[1] The whole amount of sugar consumed in England in 1848 was 692,256,320 pounds, most of which was received from the West Indies and India. The amount produced by slave labor, according to one authority, was 150,000,000 pounds; according to the London *Quarterly* it was 229,748,096. Professor Hancock, in a paper read before the British Association in 1852, dissented from the pessimistic view taken by the press regarding the future of sugar culture in the colonies. He cited the latest returns (1851) of the Board of Trade, which showed that the importation of free sugar was increasing.

[2] Letter to Lord John Russell, *Blackwood*, Feb., 1848.

exports reached 1,026,602,269 pounds, but in 1850 fell back to 635,381,604 pounds. In 1852 we exported 1,093,230,639 pounds, of which England consumed 817,998,048 pounds. There had thus been established between the two countries the closest trade relations. Vast populations were dependent upon the continuance of these relations, and it was confidently believed at this period that any disturbance of them would result disastrously.[1] While we were shipping abroad over one hundred million dollars' worth of raw cotton, we were retaining more than half as much for home consumption. Thus were placed the business interests of our own people and the internal peace of every manufacturing country of Europe within the power of an oligarchy of planters.[2] Thus emphatically was cotton king.

The inconsistency involved in the enjoyment of the comforts and the luxuries produced by slave labor while condemning slaveholding as a *malum in se* did not escape notice. If Western civilization involves the destruction of all forms of slavery and the spiritual development of the individual, it creates also new obligations. The recognition of these by the religious classes in the period under review led to the formation in England and America of societies pledged to the use of free-labor products only. In this country Friends took the initiative and spent vast sums in the promotion of the manufacture of free-labor cotton, which was purchased in the South by agents sent thither for that purpose.[3] The manufactured

[1] "The lives of nearly two millions of our countrymen are dependent upon the cotton crops of America; their destiny may be said, without any kind of hyperbole, to hang upon a thread. Should any dire calamity befall the land of cotton, a thousand of our merchant ships would rot idly in dock; ten thousand mills must stop their busy looms; two thousand thousand mouths would starve for lack of food to feed them."—London *Economist*.

The reader will find in the above the key to the unfriendly attitude of the British government during our Civil War, and to the confidence of the confederate government in foreign intervention. [2] *Blackwood's Magazine*, January, 1853.

[3] Levi Coffin, of Cincinnati, and Nathan Thomas, of New Garden, Ind., were well-known agents for the West. Mr. Thomas travelled through the South without being molested, though he was occasionally moved by the spirit to bear testimony to the truth.

goods were disposed of in the same way, and members of the society were expected to prove their faith by their works. This movement amounted to little else than to create a new penance for those who were constrained to wear the excessively homely fabrics which the manufacturers put on the market. It made no impression upon the system. It did not reduce the number of slaves nor lighten their burdens. It convicted society of complicity in the system, but was impotent for reform. A few altruists had set an example before the world which men were not prepared to follow.

The general prosperity rendered the people of the country impatient of any interruptions in money-making and ill disposed to a renewal of sectional controversy. They affected at least to believe that the Compromise was a final settlement of the questions which had unhappily divided the people of the States and they gave no countenance to any who showed a disposition to disturb it. In the South, as we have seen, the disunionists were defeated. In the North the Democratic party was being rapidly brought under discipline, and against all who believed with Mr. Chase that the opposing factions might stand upon a platform which should leave all matters of difference open to discussion without prejudice to either side,[1] the door was closed. In New York there was speedy unification of Hunkers and Barnburners (terms which gave place to Hards and Softs[2]) in support of whatever the Southern leaders required. The Softs outnumbered the Hards, and

[1] Letter from Senator Chase to B. F. Butler, July 15, 1852.

[2] The new classification of New York Democrats originated in the efforts to reunite the Hunkers and Free Soilers in 1849–50. John V. L. Pruyn, chairman of the Hunker State Committee, conceded that the Wilmot Proviso ought not to be made a test of Democratic faith and duty. For this he was called a "Soft." Mr. Dickinson protested against the concession and was called a "Hard." But Mr. Marcy and others supported Mr. Pruyn, thus creating a division among the Hunkers which strengthened the Barnburners. Thus out of this division originated the terms "Soft-shell" and "Hard-shell"; the former indicating a yielding, a softening of Hunker national principle, the latter firmness and adherence to a pro-slavery policy. The Soft-shells and Barnburners fused and all became Soft-shell Democrats. See a pamphlet published in 1856, containing many details of these political transformations.

in the division of the spoils secured the lion's share, but consistency could be applied only to the course of the Hards. In Wisconsin and Ohio there was some pretence of standing by the principles of 1848, but an irresistible influence was found under a national Democratic administration, as will be seen farther on, to change Free Democrats into Hunkers.

The Whig party was differently constituted. In its ranks an independent spirit was prevalent, which rendered strict party discipline impracticable and which demanded a liberal toleration of differences of opinion. In Massachusetts, New York and Ohio a conflict was waged between the supporters and the opponents of the administration that threatened to render impossible future coöperation. The bitterness of this family quarrel was intensified by events that grew out of the execution of the new fugitive slave law. Numerous arrests were made in these three representative States, apparently for the purpose of testing the temper of the people. If fugitives could be reclaimed in those communities, the friends of the Compromise would be vindicated; if not, that fact would be their undoing. Circumstances had made this an administration measure, and all, from the President down to the deputy marshals, were deeply concerned in its execution. Hence when it was openly declared in those States that the law should not be carried into effect, collision became inevitable. A law for the rendition of fugitives was one of the compacts of the Constitution binding the thirteen Colonies into a Union. This was the stipulation of a part in which the others acquiesced. Was nothing yielded by the South to the North? The latter had a peculiar interest—commerce—to be regarded and protected. The South agreed to form a government that should regulate commerce according to the wants and wishes of the Northern States, and when the Constitution went into operation, a commercial system, with protection by way of tonnage duties, was established which was the foundation of the glory and prosperity of the free States.[1] The South had

[1] Speech of Daniel Webster at Albany, May 28, 1851.

acted fairly, generously. Would the North fulfil its part of the compact as well?

In February, Frederick Jenkins, or Shadrack, a colored laborer, was seized in Boston and taken before a United States commissioner, who directed him to be held until an examination could be had. While the lawyers were in consultation a crowd of colored people collected and rescued the prisoner. Two huge negroes seized him and hurried him through the square into Court Street, "where he found the use of his feet, and they went off toward Cambridge, like a black squall, the crowd driving along with them and cheering as they went. It was all done in an instant, too quick to be believed, and so successful was it that not only was no negro arrested, but no attempt was made at pursuit." [1] The President issued a proclamation commanding all public officers and calling on all citizens to aid in quelling this and similar combinations, and to assist in capturing the rescuers,[2] in which the armed forces of the government were directed to take part. Soon afterwards a Georgia claimant caused the arrest in Boston of a colored man named Thos. H. Sims, who was taken before Commissioner Curtis, as in the Shadrack case, but more securely guarded. Although he was defended by Mr. Dana, Mr. Loring and other able lawyers, he was remanded; and immediately he was marched to the Long Wharf in a hollow square of three hundred policemen and placed on board a vessel for the South. There had been a display of military force, and of a determination on the part of the government to enforce the law at all hazards.[3] The application made to the Supreme Court of the State for a writ of *habeas corpus* was peremptorily refused.

Soon after these events a demonstration was made by the

[1] *Biography of Richard Henry Dana*, p. 182.

[2] Several were tried, but the juries disagreed or acquitted.

[3] The United States marshal at this time was Charles Devens, who was afterwards Attorney-General in the administration of President Hayes. He made ineffectual attempts to buy the freedom of Sims. The Rebellion freed the latter, who then returned to Boston. In 1877 he was made a messenger in the Department of Justice.—*Biog. of R. H. Dana*, p. 194.

administration to impress the public mind. Mr. Webster journeyed from Buffalo to New York and, upon invitation of the citizens of Albany, he addressed the young men of that city on May 28th, and in the evening was entertained at a banquet. The burning questions of the hour constituted the topics of his speeches. He denounced the rescue of Shadrack as an act of clear treason, and laid down this broad proposition, which is equally applicable to the social disturbances of to-day:

> It was treason and nothing less; that is to say, if men get together, and combine together, and resolve that they will oppose a law of the government, not in any one case but in all cases; I say, if they resolve to resist the law, whoever may be attempted to be made the subject of it, and carry that purpose into effect, by resisting the application of the law in any one case, either by force of arms or force of numbers, that, Sir, is treason.

In the faithful execution of the law lay the perpetuity of the Constitution. Could it be maintained in part and not in whole? Clearly not.[1]

Well-known citizens occasionally aided in rescues, and everywhere a repugnance was manifested that augured ill for the fulfilment of the promises of those who had promoted this legislation. At Syracuse, Gerrit Smith and the Rev. Samuel May were members of a mob that broke down the doors of a courtroom and rescued Jerry McHenry, a colored man who had been condemned to slavery by a commissioner, and who had made a brave but ineffectual rush for liberty. Eighteen citizens were indicted and summoned to appear at Auburn, where bail was accepted for their future appearance. The name of Senator Seward headed the list of sureties. Such was the sentiment in this community that prosecutions were unavailing.

At Christiana, Pennsylvania, Edward Gorsuch, a Maryland slaveowner, attempted to arrest two negroes. They were defended by a party of free negroes, who fired upon the posse,

[1] Speech of Daniel Webster to the young men of Albany, May 28, 1851.

killing Mr. Gorsuch and seriously wounding his son. The alleged fugitives escaped. Subsequently the United States marshal, accompanied by Commissioner Ingraham of Philadelphia, the United States attorney and forty-five marines and a civil posse of fifty men, made twenty-four arrests — two whites and twenty-two colored.[1] The whites were Friends who endeavored to preserve the peace, and when brought to trial for treason before Justice Grier, they were acquitted by the jury under the charge of the court. The other prisoners were never tried.

There were numerous kidnapping cases, and others where brutal violence was used. Daniel, a cook on a steamboat at Buffalo, who was claimed by Geo. H. Moore, of Louisville, was struck on the head with a billet of wood, knocked senseless, and in that condition dragged before a commissioner, who, notwithstanding it was proved that the prisoner had been sent into Ohio by his master, and therefore had not escaped from Kentucky, remanded him to slavery.[2]

The effect of such seizures was different from what had been anticipated. Those who were permitted to see the practical workings of the law were impelled to hold it in deeper and deeper abhorrence. Rutherford B. Hayes expressed the general sentiment when he said that a law making the escape from bondage a crime, and compelling citizens under rigorous penalties to aid in the capture of slaves, was suited to barbarians, not to a Christian people. The most enlightened and cultivated were the most active opponents. They did not rely wholly upon a "higher law" to justify their acts, but upon the repugnance of the law to the Constitution, whereof each one judged for himself. The statement of President Jackson in the famous Bank veto—that each public officer who takes an oath to support the Constitution swears that he will support it as he understands it, and not as it is understood by others—was quoted in justification. The arguments of Horace Mann and Senators Chase and Sumner on this point

[1] New York *Tribune*, September 15, 1851.
[2] New York *Tribune*, June 30, 1851.

gave great satisfaction.[1] That all courts had maintained the constitutionality of the law did not impress this class of dissidents. But the question involved the very basis of social order—the supremacy of law, which confronts every community and applies to every age. Disregard for law invites anarchy, and anarchy leads to the abandonment of civilization. In all matters affecting society, the law and not conscience constitutes the rule of action.[2]

In his message, December 2d, President Fillmore congratulated the country upon the general acquiescence in the compromise measures which had been exhibited in all parts of the Republic. The spirit of conciliation manifested everywhere had removed doubts concerning the durability of the Union. Some objections had been urged against the details of the act for the return of fugitives from labor, but it was worthy of remark that the main opposition was aimed against the Constitution itself, and proceeded from persons and classes of persons, many of whom declared their wish to see that Constitution overturned. This was a severe reflection on many of the President's former political associates and friends. "The President deceives himself," said Mr. Greeley, "if he supposes that the spirit of opposition to this law is diminishing. If the slave-catchers will allow it to fall into disuse, there can be little difficulty in retaining it on the statute books."[3]

Another subject closely allied to the sectional controversy received greater attention in the message—the invasion of Cuba. The successful dismemberment of Mexico by force logically led to the projection of schemes for the seizure of Cuba. The failure of a previous expedition did not lessen the ardor of the "manifest destiny" men, or of the Southern radicals who looked upon the acquisition of that island as

[1] Argument as to the unconstitutionality of the law will be found in a letter from S. P. Chase to A. P. Edgerton (pamphlet), p. 11.

[2] See opinion of Justice McLean in the South Bend rescue case. This distinguished jurist not only dissented from the opinion of the Supreme Court in the Prigg case, but thought the fugitive slave act of 1850 injudicious. But he sustained the law with official fidelity.

[3] New York *Tribune*, Dec. 4, 1851.

necessary to complete their plan for a great Southern republic. The bold talk of the radicals and the friendly attitude of many connected with the government of the United States, encouraged reckless adventurers to embark in an enterprise that promised excitement and liberal rewards. It was represented that the Creole population of the island were ready to rise against the Spanish government and join any armed force that might effect a landing. It was reported that the expedition, which was to be composed of six thousand men, was to be led by General Quitman of Mississippi, and was to embark from New Orleans about the 10th of June.[1] The real leader was that General Marisco Lopez, a Spaniard, who had made a former attempt to capture the island, and who, although arrested at Key West at the instance of the Spanish vice-consul, was discharged by the district judge to enter upon a new enterprise. Instead of an army of six thousand, less than five hundred adventurers, mostly citizens of the United States, made up Lopez's command. The steamer *Pampero*, in which they embarked, left New Orleans stealthily without a clearance, early in the morning of the 3d of August.

On the night of the 11th they landed on the coast within about twenty leagues of Havana. The main body under Lopez marched inland, leaving one hundred and thirty men under young Crittenden, a son of the Attorney-General of the United States, to follow in charge of the baggage, as soon as the means of transportation could be obtained. These were attacked on their march to join Lopez by a body of Spanish troops, and a bloody conflict ensued; after which they retreated to the place of disembarkation, where about fifty of them obtained boats and put out to sea. They were captured

[1] Letter of Amos Kendall to John J. Crittenden, Attorney-General, dated Louisville, Ky., May 30, 1851. *MS.* That a son of Mr. Crittenden should be a member of Lopez's band of filibusters, excited general regret and sympathy. His tragical death cast an air of romance over the ill-fated expedition. A few minutes before his execution he vindicated his motive in these lines, indited to a friend: "I did not come here to plunder: I came here in good faith to aid this people in acquiring freedom; I supposed they were thirsting for liberty, but I have been deceived."

by the Spanish frigate *Esperanza*, cruising near the coast, carried to Havana, and, after being examined before a military court, were sentenced to be publicly executed on the 16th. The order of the court was carried into effect with exhibitions of brutality which Crittenden and his companions bore with dignity and courage. After death the bodies were "mutilated, dragged by the heels, and outraged in a most savage manner. Ears, fingers, pieces of skull, were brought away for exhibition, and nailed or hung up in public places."[1] The main body of the invaders was defeated by Spanish troops, and subsequently captured and transported to Spain. Lopez, with a few companions, fled to the mountains, where he was speedily hunted down, and on the 1st of September was garroted in Havana.

The executions in Cuba were followed by rioting in New Orleans, where the office of the Spanish consul was invaded, his property destroyed, the Spanish flag found in his office torn in pieces, and he constrained to flee for his personal safety. The President acted promptly, as became the head of a friendly government, and by this means was enabled to interpose for the release of the misguided men in Spanish prisons. But this filibustering incident afforded an opportunity for the governments of Great Britain and France to broach the policy of interference in American affairs. They issued orders to their naval commanders on the West Indian station to prevent, by force, if necessary, the landing of adventurers from any nation on the island of Cuba with hostile intent. Our government, through the Department of State, promptly protested that such action, establishing as it did a sort of protectorate, if attempted in the only practical mode for its effectual execution, could not fail to produce irritation, if not worse consequences. "All experience seems to prove," —said Mr. Crittenden, acting Secretary of State during Mr. Webster's absence, addressing M. de Sartiges, French minister,—"All experience seems to prove that the rights,

[1] Letter of William May, of the U. S. steam frigate *Saranac*, to his brother, Dr. Frederick May, of Washington, Sept. 16, 1851. *MS.*

interests and peace of the continents of Europe and America will be best preserved by the forbearance of each to interfere in the affairs of the other." The President assured Congress that the principle in such matters which had originated with the first administration would be maintained under all circumstances and at all hazards—the inviolability of the American flag and the protection of all covered by it. Both the British and French governments hastened to disclaim any purpose to interfere with lawful commerce or to commit any act of hostility upon any vessel under the protection of the American flag.[1] The determination of the American government not to permit Cuba to be transferred by Spain to any other European Power was reaffirmed in the letter to M. de Sartiges, but it refused to disclaim any purpose of annexing the island to the United States. The upshot of this diplomatic fencing is succinctly stated in a passage in Lord Malmesbury's diary:

> Conversation with Walewski about Cuba and American disclosures thereon. In 1849 they offered $100,000,000 for it to Spain. We and France have offered to renounce our possession of Cuba forever if the United States will agree to do likewise. As yet they refuse.[2]

The attention of members of Congress during the long session of 1851–2 was divided between the reception of Kossuth, the *coup d'état* of Louis Napoleon and president-making. The future course of the two great parties was foreshadowed in the House caucuses preliminary to organization. The Whigs, in a minority, could unite neither on a policy nor a candidate for Speaker. Resolutions endorsing the compromise measures, and making their support binding upon the party, were adopted in a caucus constituted of Southern Whigs and half a dozen Silver Grays of the North. The Democratic caucus was well attended by members representing every shade of opinion, who voted to lay on the table a resolution approving of the compromise measures as a final settlement

[1] Message of Dec. 2, 1851.

[2] *Memoirs of an ex-Minister*, Dec. 14, 1852, p. 286.

of the slavery question. This meant that there was to be no discussion until after the House should be organized. Linn Boyd of Kentucky, who had refused to sign the Calhoun address to the South, some years before, was elected Speaker. Having now the organization of one branch of the government, the Democrats used its power to effect the unification of the party for the presidential campaign.

Irresolution and dissension characterized the course of the Whig leaders. As the winter was passing many anti-compromisers began to show signs of yielding to the administration arguments. To check this, and to suggest a basis for unity, Mr. Greeley announced that the North would not ask the national convention to touch on the question of slavery. Differences of opinion ought to be respected by ignoring the subject. If it should be thrust into the platform, then other subjects—public lands free for actual settlers, sympathy with the oppressed millions of Europe—would also engage attention. Resolving that the fugitive slave law was right would not make a single opponent respect it.[1] This reasonable proposition did not meet with favor either in administration circles or with Southern Whigs who were coöperating with Union Democrats. The President and the Secretary of State were too deeply compromised for them to consent to a policy of silence, while many Whigs in the South believed that their political future depended upon an endorsement of the Compromise as a finality. Hence in the debates in Congress on the subject, the Southern Whig leaders declared that if their Northern brethren refused to go this length in political action they would be compelled to dissolve their party association with them and seek new ties. This threat a few leaders put into effect later, as will be seen below.

Early in April the Whig members of Congress met in caucus to determine the time and place for holding the national convention. Senator Mangum, of North Carolina, presided. Mr. Stanly of the same State offered a resolution proposing that the convention should assemble on the 16th day of June in the

[1] New York *Tribune*, March 15, 1852, editorial, *A Talk with Southern Whigs*.

city of Baltimore. Humphrey Marshall, of Kentucky, moved as a substitute a resolution pledging approval of the compromise measures, which precipitated a debate that continued until a late hour. Without action the caucus adjourned until the 20th. At the second meeting the chairman ruled that the substitute was out of order, and the decision was sustained by a vote of 46 to 21. The chairman also ruled out of order another resolution offered by Gentry of Tennessee, which declared that the members of the caucus would not be bound to support the nominees of the national convention, unless such nominees publicly pledged themselves to accept the Compromise as a final settlement of the sectional controversy. Thereupon Mr. Gentry and several others withdrew and subsequently published a card defending their course.[1] The excitement created by this schism led to a discussion in the House the following day, during which the views of both factions were freely expressed. These made it clear that in the Whig party there was an anti-slavery wing and a pro-slavery wing, which were in accord on every question of public policy except the subject of slavery, and that unless they agreed to disagree on that, as the New York *Tribune* had often urged, the party must go to pieces. The North would not consent to any new test of political orthodoxy.

> If we are to exist as a party [said Washburn of Maine] it must be upon a platform on which men of all sections of the country can stand together, without the sacrifice of opinion, of principle or of honor; and not upon one which may well hold men of all parties in one section, and exclude all in another.[2]

But the paramount question in the South—the question which that section would insist should control any administration—was the slavery question. In a word, the nationalizing

[1] They declared that they would not support any candidate who was not known to be in favor of the Compromise as a finality. The proper place for a discussion of this kind was in a meeting or convention called to consider men and measures, not in a caucus called for a different purpose.

[2] *Cong. Globe*, First Session, 32d Congress, p. 1158.

of the institution was a distinct, a vital, a living policy.[1] To its promotion the energies of one party were now mainly directed. The effort of a faction to make it the controlling principle of the other party worked the destruction of that party.

The younger element in the Democratic party casting about for means to retire Cass, Dickinson, Buchanan and other old leaders, began an agitation within the party, affirming the necessity of getting away from the conservatism of the past and raising new issues in keeping with the spirit of the age. These new issues were covered by the phrase *manifest destiny of America*. The time was to be hastened when our flag should be unfurled, or even our nod, earth-shaking as the nod of Jove, should be given for the liberation of nations. To accomplish this, a new leader was wanted, a bold man who could stand the brunt of foreign war; a man as astute and wise as Cato, who could, by the use of foreign material, save our shores from attack, and crush the despots of the world in their very dens.[2] This was the bugle-blast of Young America. First the acquisition of Cuba, and then whatever Viking blood might covet or dare. The impatience of the political ambition of Stephen A. Douglas undoubtedly suggested this new policy. Scarcely forty years of age, he contested the leadership of the Democratic party with Cass, Dickinson, Buchanan and Marcy. He already had a more devoted personal following than any of the old leaders, and had the self-confidence, tact, vigor and boldness which command the admiration of men. The policy of the progressive element, sneeringly remarked an anti-Douglas man, was "to hunt up some imaginary genius, and place him on a new policy, give him Young America as a fulcrum, and let him turn the world upside down."[3]

In reply, a supporter of the candidacy of Mr. Douglas said,

[1] See remarks of Alex. H. Stephens, Appendix *Cong. Globe*, April, 1852.

[2] *Democratic Review*, Jan., 1852, which had a slashing and vigorously written article, intended to prepare the way for a revolution in the Baltimore convention. It gave new life to the quidnuncs, and anxious thoughts to old politicians.

[3] Remarks of John C. Breckinridge in the House of Representatives. See *Cong. Globe*, March, 1852.

that while the Illinois Senator had no intention of disturbing the equilibrium of the physical universe, he did cherish an idea, however, that the United States were not absolutely finished, and ready to be enclosed and painted; that this country, great, rich, powerful and free as it was, might become greater, richer, freer and more powerful with perfect safety under the Constitution.[1] And there was much vague language about the "hope of freedom," "determination to resist oppression," "glorious achievements," intended to strike the fancy of large classes of voters and bring their enthusiasm to bear on the national convention. If the "Little Giant" failed of the nomination at Baltimore, he helped to retire the old leaders, displayed splendid running qualities, and inaugurated a new era in the history of his party.

The Democratic national convention met on the first day of June. General Cass, although in his seventieth year, was the most conspicuous candidate, and Mr. Buchanan the next in apparent strength. But the latter was never thought to be a possibility.

> If [said Marshall] any part of the Democratic party were trying "to fight out the trouble by attempting to mount up on the prostrate bodies of all the best men in the party," in such a conflict Mr. Buchanan would escape, as not being worth the killing.[2]

The able politicians from the South who controlled this convention played with the fortunes of the prominent candidates, who had weakened themselves at home by excessive devotion to the peculiar institution, much as jockeys on the race track govern the speed of their horses in obedience to secret instructions. They increased or lessened the votes at will, taking care that none should receive a majority and making it clear that none could command the requisite two-thirds. On the forty-ninth and last ballot the game was won in the nomina-

[1] Speech of Mr. Marshall, of California, in the House, March 11, 1852.

[2] *Ibid.* In view of the coming conflict in the Democratic party, it will be well to keep in mind this biting remark of Mr. Douglas's friend.

tion of Franklin Pierce, of New Hampshire, a new but not an unknown man.[1] William R. King, of Alabama, was nominated for Vice-President.

Thurlow Weed expresses the opinion in his *Autobiography*[2] that Mr. Marcy might have been the nominee of this convention if an understanding had been had with Mr. Dickinson, who supported Cass, and who refused to allow his own name to be used when Virginia proposed it, and Mr. Dickinson expressed the same opinion in 1862; but it is doubtful. The record of Franklin Pierce on the slavery question was entirely satisfactory to the Southern leaders,[3] while Mr. Marcy was a "Soft" associated with the Free Soilers of 1848, and therefore he was regarded with suspicion. The New York delegation stood Hards, 11; Softs, 24. The twenty-four votes were cast for Marcy with faithful pertinacity. But they accepted Pierce and the platform with an ostentatious show of satisfaction.[4] The Barnburners had made a complete surrender of principle, apparently without any qualms of conscience. "'Conscience!' said the Chancellor; 'conscience is a vague word, which signifies anything or nothing.'"[5] They had made a show of virtue in defending the right of a Democratic constituency in Massachusetts to representation in the convention by Robert Rantoul, Jr., who had been regularly and legally chosen, when the Committee on Credentials recommended that his seat be given to one N. J. Lord, contestant, who had no constituency.[6] This ostracism of Rantoul, "who stood in the very front rank of the great men of the American Democracy," was notice to

[1] On the first ballot Cass had 116 votes, and on the thirty-fifth 131, his maximum strength. Buchanan's greatest vote, 104, was secured on the twenty-second ballot. Douglas's largest vote was 92, Marcy's 98.

[2] Vol. ii., p. 198.

[3] See the *National Era*, June, 1852, for Pierce's pro-slavery record.

[4] "Among the men who joined in these declarations were not a few who had supported Van Buren and Adams in the campaign of 1848. One of the prominent officers of the convention was the author of many of the most extreme anti-slavery declarations put forth at Buffalo."—*Twenty Years of Congress*, vol. i., p. 100.

[5] Macaulay's *History of England*, vol. vi.

[6] See Proceedings Democratic National Convention, 1852, published in *The Campaign*, p. 8.

all that subserviency to the slave power was to be the test thenceforth of party loyalty and of personal influence.

The Whigs failed in originality, in courage. Their convention, which met at Baltimore a fortnight after the Democratic convention had adjourned, was under a menace which seemed to paralyze its action at every stage. The Whigs of Georgia had instructed their delegates to use their influence to secure the adoption and recognition of the finality of the compromise measures; and failing to secure such recognition then to retire from the convention, and unite with other Union delegates in taking such action as they might deem necessary for the preservation of the Union and the salvation of the Constitution. The convention weakly yielded to this intimidation, so far as the platform was concerned, notwithstanding the Georgia policy for two years had meant the dissolution of the Whig party.

The extremists of the South not only made the platform, but they selected a candidate whom they asked the Northern States—the States whose electoral votes were necessary to Whig success—to support. They praised Webster, but they gave their votes to Fillmore, who had been repudiated by his own State. The strife between the friends of these two candidates continued for days without bringing them together. Webster's twenty-nine votes would have nominated Fillmo[re] but they were not given because of that statesman's sup[er] claims, and because of the insensibility shown by the [S] to the importance of his services in securing the enactm[ent] the compromise measures.[1] This personal controversy o[f] an opportunity for the anti-slavery Whigs to win by [a] adhering to their candidate until a break should come [in] ranks of the opposing forces. A sectional bargain was [con]-by Henry J. Raymond,—the South to have the platfor[m] the North the candidate,—but that was vehemently den[ied] the floor of the convention.[2] Nor was it necessary for [the] side to make such an agreement in order to secure wha[t] [ma]-

[1] *Reminiscences of James A. Hamilton*, p. 404. Letter of Edward [Ma]
Nov. 10, 1855.

[2] Despatch of Henry J. Raymond, editor, to the New York *Times*.

most prized. "The Southern men all demand a platform of 'finality' of the Compromise," wrote Mr. Seward, June 10th,[1] "and Northern men are preparing to go for it to avoid a break-up of the convention." Thus that part was virtually settled before the convention assembled. On the fifty-third ballot the break came and General Scott was nominated. At no time was a single Southern vote cast for Daniel Webster. William A. Graham, of North Carolina, Secretary of the Navy in Mr. Fillmore's Cabinet, was nominated for Vice-President.

In 1846, General Taylor said that the presidency had been the first and only consideration with General Scott for many years.[2] There is no doubt that he ardently desired to be President. To promote his candidacy he visited many cities in 1851, and was received with respect and even enthusiasm as a military hero. The South dictated the platform of principles for each convention. The Democratic reaffirmed the party's contention on every issue of the past; endorsed the nullification doctrine of 1798; declared the Compromise to be a final settlement, the fugitive slave law included, "which act being designed to carry out an express provision of the Constitution, cannot with fidelity thereto be repealed, or so changed as to destroy or impair its efficiency"; and concluded with a spread-eagle declaration for Young America, that the Constitution was "broad enough and strong enough to embrace and uphold the Union as it was, the Union as it is, and This Union as it shall be, in the full expansion of the energies of the capacity of this great and progressive people."

[1] On the slavery principle, every issue of its history was ignored by strength... platform made for the Whigs, and in their stead the one ballot. ...adowing question of slavery filled the measure of the

[2] Vol. ...rs' conception of what the hour demanded. It was a

[3] See t... ...ating confession of party impotence. It invited the

[4] "An... ...mpt of independent Whigs and the derision of opponents. supporte... officers ...urpose of all the resolutions, adopted by a majority of declarat... ...onvention — for there was a stubborn minority — was

[5] Mac...

[6] See ...*ard at Washington*, vol. ii., p. 185.

Campaig... of General Taylor to John Ewing, of Vincennes, Ind., July 3, 1846.

expressed in the eighth and last, which declared that the compromise measures including the fugitive slave law "are received and acquiesced in by the Whig party of the United States as a settlement, in principle and in substance, of the dangerous and exciting questions which they embrace"; and that this system was essential to the nationality of the Whig party and the integrity of the Union. This resolution did not go to the extreme length of the Democratic in declaring that the fugitive slave law could not with fidelity to the Constitution be repealed, and was therefore less effective as a pacificator.

The platform, Mr. Seward said, was contrived to defeat General Scott in the nomination, and it deprived him of the vantage of position he enjoyed. "Even those who gave way feel and deplore this, while all our enemies, in and out of the party, proclaim it with exultation. I see now no safe way through, but anticipate defeat and desertion in any event." [1]

Hopelessly divided on questions of principle, the Whig party went down to defeat. There was bad faith on every hand. The very men—Stephens, Toombs, Gentry and others—who had made a finality platform a *sine qua non* to their participation in the national convention and support of the nominee, early announced that they could not support General Scott because he was the candidate of Seward and Greeley—a fact as well known before as after the convention. Webster electoral tickets were set up in several States under cover of which recalcitrant Whigs rendered aid to the Democrats.[2] Administration appointees in many places were reported to be openly working for Pierce. These influences were sufficient — it

[1] *Seward at Washington*, vol. ii., p. 187.

[2] The scattering votes were: Daniel Webster (Union Whig) received 2124 votes in the free States, and 5302 in the slave States; George M. Troup (States Rights), 2300 votes in Georgia and Alabama; William Goodell (Abolition), 72 votes in New York, and Jacob Broome (Native American), 2485 votes in Pennsylvania and New Jersey. John P. Hale, candidate of the Free Democracy, received 156,149 votes. The Native American party put in nomination candidates in the 20th and 22d Congress districts of Pennsylvania—an example widely followed two years later with surprising results.

needed no charges of Free Soilism and Nativism against General Scott—to create a feeling of coldness and indifference throughout the country and presage defeat. Vermont, Massachusetts, Kentucky and Tennessee, casting in all forty-two electoral votes, were the only States that voted for the Whig candidates. All of the other States, casting two hundred and fifty-four votes, voted for Pierce and King. But the popular vote did not show a corresponding difference—a fact that it is interesting to note.

The protection of home industry [the New York *Tribune* declared March 4th, 1852] as an avowed, conspicuous, leading feature of our national policy is crushed—probably for years, possibly forever. And as to the slave propaganda, it has now full swing, and may take and touch as it lists. If Cuba is not revolutionized and annexed within the ensuing four years the leaders of the propaganda will deem it the policy of prudence to wait till the plan is more fully ripe.

What the next four years developed was atoned for in blood, the responsibility for which does not rest wholly upon any one class.

It is worthy of remark that while the Free Soil party, whose candidates, John P. Hale of New Hampshire, and George W. Julian of Indiana, had been nominated in a convention held at Pittsburg in August, cast less votes than in 1848, it presented a platform of living principles which in time came to be accepted by a majority of the Northern people. For the present, the American people, industrious, prosperous and indifferent to politics, are contented with Franklin Pierce in the White House.

The year was otherwise made memorable by the death of the two most famous statesmen of the time, who had contested for primacy in leadership without either reaching the goal of his honorable ambition. Mr. Clay died June 29th, shortly after the adjournment of the Whig national convention; Mr. Webster a few days before the crushing defeat of his party.

CHAPTER VI

THE KANSAS–NEBRASKA BILL—SQUATTER SOVEREIGNTY—THE FIGHT FOR KANSAS

THE declaration of Mr. Pierce in his first message that the repose which had followed the enactment of the Compromise of 1850 "is to suffer no shock during my official term, if I have the power to avert it," was received with general satisfaction throughout the country. The prosperity everywhere prevalent, the marvellous growth of new communities, the absorption of thought and energy in the development of agriculture, commerce and mining, rendered the people indifferent to the discussion of political subjects. They confidently looked to the President for a continuance of good times, and would most cordially give support to a policy having for its purpose the promotion of pure democratic principles in the practical administration of the business affairs of the government. The winning manners of the President insured the good will of those who had intercourse with him. He was fortunate, also, in having the support of both Houses of Congress by decided majorities, as it was, therefore, possible to carry out any party policy that might be adopted. No preceding administration began under more favorable auspices.

The President, however, in constituting his Cabinet, invited dissensions in the party. He unfortunately fell under the influence of the extreme States Rights leaders of the South, although he had it in his power to strengthen the Union sentiment in the South by throwing the influence of the administration with the majority, and, by strengthening it there,

to strengthen it everywhere, and so to secure to a conservative Democratic party the confidence and cordial support of an irresistible preponderance of the American people.

In the political contest in the States of Georgia, Alabama and Mississippi in 1850–1, the Union cause was triumphant. Jefferson Davis in his *The Rise and Fall of the Confederate Government* reaffirms the correctness of the declaration made by him in 1853, that no party in Mississippi ever advocated disunion, and that he and his associates in 1851 were unjustly charged with a desire to destroy the Union—"a feeling entertained by few, very few, if by any in Mississippi, and avowed by none"[1]; and yet he says that in the canvass for Governor,

> believing that the signs of the time portended danger to the South from the usurpation by the general government of undelegated powers, I counselled that Mississippi should enter into the proposed meeting of the people of the Southern States, to consider what could and should be done to insure our future safety, frankly stating my conviction, that unless such action were taken then, sectional rivalry would engender greater evils in the future, and that, if the controversy was postponed, "the last opportunity for a peaceful solution would be lost, then the issue would have to be settled by blood."[2]

It is understood that Mr. Davis was in favor of separate State action, which can only be interpreted to mean the assertion of the right of a State to secede at will. General Quitman, whom Mr. Davis championed most generously, advised a call for a State convention, and declared that if but one State would secede, the attempt to coerce her would bring about a Southern confederacy. Hodgson takes issue with Mr. Davis as to the character of the canvass, and says: "The issue of secession, being presented clearly and distinctly to the people of Mississippi, it was clearly and distinctly repudiated."[3]

In Alabama the right of peaceable secession was widely discussed and openly denied. A majority of the Congress

[1] Vol. i., p. 18. [2] *Ibid.*, p. 21. [3] *The Cradle of the Confederacy*, p. 283.

districts were carried by candidates who denied the right of a State to secede. Benjamin G. Shields, a distinguished citizen, whose name had been proposed for Governor, in a public card said: "I am for this federal Union of ours under all circumstances and at all hazards; right or wrong, I am for the Union."[1] This was the sentiment that triumphed, the sentiment that ought to have received open recognition by the new President. When, however, he invited Jefferson Davis, the associate of Quitman and Yancey in the secession movement, to a seat in his Cabinet, were not the Unionists of Georgia, Alabama and Mississippi justified in regarding themselves and their cause as under the condemnation of the administration?

Equally unfortunate was the appointment of Caleb Cushing as Attorney-General, to represent New England. He was an able, but erratic man, deficient in moral fibre, who became the willing instrument of an unscrupulous administration in the promotion of party schemes. Mr. Marcy, Secretary of State, while a man of high character and a statesman of wide experience, represented only a fraction of the party in New York, and his appointment intensified the quarrels in his own State. And while not approving of the political policy of the administration as developed early in 1854, he had not the independence to withdraw. The other members cut no figure in the political controversy that Pierce left to his successor as a bloody inheritance.[2]

The auspicious beginning of the administration was the source of much anxiety and discouragement to the Free Soil

[1] *The Cradle of the Confederacy*, p. 296. Mr. Shields was a native of South Carolina.

[2] The other members were James Guthrie of Kentucky, Secretary of the Treasury; James C. Dobbin of North Carolina, Secretary of the Navy; James Campbell of Pennsylvania, Postmaster-General, and Robert McClelland of Michigan, Secretary of the Interior.

As to lack of harmony in the Cabinet and embarrassment of the President, see *Seward at Washington*, vol. ii., pp. 202–12; Correspondence of New York *Tribune; War of the Rebellion*, by H. S. Foote, chap. x., and *Rise and Fall*, vol. ii., p. 383.

leaders. They feared that the public conscience would be lulled, and that the institution of slavery would strengthen its hold upon the country to such a degree that men ambitious of preferment would be more than ever the servants of the dominating power.

The party favorable to denationalizing slavery had apparently lost support in the North. Hale had returned to the practice of the law and Chase was soon to give place to Geo. E. Pugh, an administration Democrat. Sumner complained that Seward was now silent when the subject of slavery was mentioned.[1] And yet the New York Senator also had forebodings, not discernible in his uniform serenity of manner. He was courted and admired by the able Southerners who did not despair of his conversion to their views of political policy. The persistency with which they discussed the subject at his table, and the zeal with which they sought to convince him how wrong he was and how he was ruining his great prospects, led him to form the resolution never more to talk at dinner with more than one slavery man at a time. "One will always agree with me, or at least agree to tolerate me, but where there are more than one they watch each other." Optimist as he was, the prospect discouraged him. Would the time never come when free labor would engage the fostering care of government and when America would no longer defy the humane sentiments of Christendom?

> I look around me in the Senate [said he] and find all demoralized. Maine, New Hampshire, Connecticut, Rhode Island, Vermont!! All, all, in the hands of the slaveholders; and even New York ready to howl at my heels, if I were only to name the name of freedom, which once they loved so much.[2]

Of very different type was the President. We read the soul of the man in words written by his devoted friend, Hawthorne, after both had laid aside official cares:

> Amid all his former successes,—early as they came and great

[1] *Memoirs*, vol. iii., p. 346.

[2] *Seward at Washington*, vol. ii., p. 216. This letter was dated Jan. 4, 1854.

as they were—I always perceived that something gnawed within him, and kept him forever restless and miserable. Nothing he won was worth the winning, except a step gained towards the summit. I cannot tell how early he began to look towards the presidency; but I believe he would have died an unhappy man without it.[1]

Pierce's star of fortune reached its zenith under the influence of the power that controlled the government for so many years, and which was now striving to make that power permanent. He did its bidding early and late. The remark, "We must throw overboard Mr. Hale or we shall lose favor with the Southern men," [2] made in 1845, is the key to his public career.[3] Southern men could and did promote his ambition.

There is abundant evidence that throughout the Southern domination the leaders confidently believed that interest alone governed men, that interest alone could be trusted,[4] and that they as confidently acted on that principle in dealing with the North. Meeting with continued successes, there were not wanting those who reproached Northern men in gross terms for being influenced by cupidity, by ambition or by fear to yield to the rule of the minority. After President Pierce had proved himself the champion of slaveholding interests at the sacrifice of the greater interests of the whole country, and thereby had rendered his re-election an impssoibility, and after Virginia had transferred her support to another "Northern man with Southern principles," the editor of the Richmond *Examiner* explained the political methods that had so long proved successful. Virginia, the "impersonation of the well-born, well-educated, well-bred aristocrat," was the "sword and buckler at the South."

[1] *French and Italian Note Books*, vol. ii., April 19, 1859.

[2] *A Reminiscence of the Free Soil Movement in New Hampshire*, p. 7.

[3] "Mr. Pierce . . . commenced so soon as he had a chance to do so, discoursing in his messages and otherwise of the blessings of slavery; extolled the South, and her modes of thought and sentiment, in language of glowing exuberance; announced himself to all the world as the champion of her slaveholding rights and interests."—*The War of the Rebellion*, by Henry S. Foote, p. 181.

[4] John Adams, in remarks in the Continental Congress, made this apply to men in general.

She makes and unmakes Presidents. She dictates her terms to the Northern Democracy, and they obey her. She selects from among the faithful of the North a man upon whom she can rely, and she makes him President. She takes the initiative in punishing traitors like Van Buren, and her sisters of the South unite with her, and the traitors are cast out. In and out of Congress in the science of politics, she holds the North to her purpose.

There were less than 350,000 slaveholders in the Union, who constituted the ruling aristocracy against whose domination there never was more than a feeble protest. In truth, the political power was concentrated in the hands of the slaveholders of Virginia, South Carolina, Georgia, Alabama and Mississippi—the States that furnished the able leaders who originated policies and directed their enforcement. The census of 1850 gave their number as follows:

Alabama	29,295
Georgia	38,456
Mississippi	23,116
South Carolina	25,596
Virginia	55,063
Total	171,526

To this complexion had American Democracy come at last.[1]

[1] The following table classifying the owners of slaves will interest the student of political history. The power of the two citizens holding over 1000 slaves each, under the three-fifths clause of the Constitution, over two intelligent citizens of New York or Ohio, will not be unnoticed:

Number owning one slave	68,820
Number owning more than one and under five	105,682
Number owning more than five and under ten	80,675
Number owning more than ten and under twenty	54,595
Number owning more than twenty and under fifty	29,733
Number owning more than fifty and under one hundred	6,976
Number owning more than one hundred and under two hundred	1,479
Number owning more than two hundred and under three hundred	187
Number owning more than three hundred and under five hundred	56
Number owning more than five hundred and under one thousand	9
Number owning one thousand and over	2
Total slaveholders	348,214

In the spirit of the boastful confidence of the *Examiner*, the inner circle of Southern statesmen now set out to make the Democracy of the Union accept as sound doctrine the dogma of Calhoun (which they had once overwhelmingly rejected in national convention), that the Constitution carried slavery into the territories and maintained it there. The steps by which this was accomplished will be shown as we proceed with our narrative.

Scarcely had the public acclaim over the President's promise died away when he joined a conspiracy to disturb the repose which he had promised to preserve, the ultimate defeat of which after years of strife precipitated the great civil war.

When Mr. Richardson, chairman of the House Committee on Territories, reported a bill, Feb. 2, 1853, to organize the territory of Nebraska, no one suggested that the Missouri Compromise, which applied only to the Louisiana Purchase, had been rendered inoperative by the Compromise of 1850. It received the support of Mr. Giddings and other Free Soil members, and was passed by a large majority. The bill was reported to the Senate by Mr. Douglas, without amendment, on the last day of the session, but meeting with opposition from Southern Senators for the reason that there were no white settlers in the territory, and for alleged violation of the treaties with the Indian tribes located in the eastern part of the territory, it was laid upon the table. During the debate,[1] Senator Atchison of Missouri remarked that though in favor of it now, he had heretofore opposed the organization of the territory unless slaveholders could go there with their property. He had always been of the opinion that the first great error committed in the political history of this country was the Ordinance of 1787 making the Northwest Territory free. The next great error was the Missouri Compromise. "But," he added, and the language should be borne in mind—"But they are both *irremediable. We must submit to them. I am prepared to do it. It is evident that the Missouri Compromise cannot be repealed.*" No Senator suggested that that act had been impaired by the legislation of 1850.

[1] *Cong. Globe*, 1853, pp. 1020–1117.

A new bill was introduced by Senator Dodge on the 4th of the following December, which was referred to the Committee on Territories. The subject engaged the attention of Democratic leaders in caucus. Mr. Atchison, it seems, conceived a plan for evading the Missouri restriction which he had declared to be irrepealable, and confided to Mr. Douglas his ambition to resign the office of President of the Senate in order to report a bill authorizing the people of Nebraska to form a territorial government without excluding slavery. Mr. Douglas decided to keep control of the subject himself.[1] In an elaborate report accompanying the territorial bill laid before the Senate January 23, 1854, reference was made to the doubt entertained by some as to the constitutional validity of the Missouri restriction. The committee added that they refrained from taking part in the controversy, as

> it would involve the same issues which produced the agitation, the sectional strife, and the fearful struggle of 1850. As Congress deemed it wise and prudent to refrain from deciding the matter in controversy then—either by affirming or repealing the Mexican laws, or by an act declaratory of the true intent of the Constitution, and the extent of the protection afforded by it to slave property—so we are not prepared to recommend a departure from the course pursued on that memorable occasion, either by affirming or repealing the eighth section of the Missouri act, or by any act declaratory of the meaning of the Constitution in respect to the legal points in dispute.

They closed their report with the following propositions, as embracing the principles of the legislation recommended for Nebraska:

First. That all questions pertaining to slavery in the territories, and in the new States to be formed therefrom, are to be left to the decision of the people residing therein, by their

[1] Giddings's *History of the Rebellion*, p. 365, in which it is stated that the facts were afterwards made public in the Senate. See also speech of Atchison at Atchison City in September, reported in the Parkville *Luminary*, and reprinted in the Cincinnati *Gazette* and other papers of the day.

appropriate representatives, to be chosen by them for that purpose.

Second. That "all cases involving titles to slaves," and "questions of personal freedom," are to be referred to the adjudication of the local tribunals, with the right of appeal to the Supreme Court of the United States.

Third. That the provisions of the Constitution of the United States, in respect to fugitives from service, are to be carried into faithful execution in all the organized territories the same as in the States.

While the proposed measure did not repeal, in express terms, the Missouri restriction (it being desirable to avoid a rupture of the Democratic party), the design was to accomplish that purpose indirectly through pro-slavery courts, surrounded by administration influence. To this Senator Douglas, who did not care whether slavery was voted in or voted out, was already committed. He was speedily forced to become the champion of repeal and to take upon himself the responsibility for breaking down a barrier created to protect free men from the contamination of a servile system—a barrier which he but four years before in perfervid language said was "canonized in the hearts of the American people as a sacred thing, *which no ruthless hand would ever be reckless enough to disturb!*"

Without explanation or apology, Douglas took upon himself the new rôle, and with characteristic audacity and boldness compelled his party to support him. It was a Whig Senator who forced him into the open field. January 16th, Mr. Dixon of Kentucky gave notice that when the bill which had been reported by the committee was taken up for consideration, he would offer an amendment declaring that the eighth section of the act of 1820, admitting Missouri,

> shall not be so construed as to apply to the territory contemplated by this act, or to any other territory of the United States; but that the citizens of the several States or territories shall be at liberty to take and hold their slaves within any of the territories of the United States or of the States to be formed therefrom, as if the said act had never been passed.

Mr. Sumner promptly gave notice that he should propose an amendment that nothing contained in the bill should be construed to abrogate or in any way contravene the act of March 6, 1820, in which it was declared that slavery was prohibited in the Louisiana Territory north of 36° 30′.

Thus the issue was joined, and, on the authority of Mr. Dixon, against the remonstrance of the author of the measure. But a few days' reflection sufficed to bring him up to the full measure of repealing the Compromise. He invited Mr. Dixon to ride with him, and then informed him of his purpose.

> It is due to the South; [said he] it is due to the Constitution, heretofore palpably infracted; it is due to the character for consistency which I have heretofore labored to maintain. The repeal, if we can effect it, will produce much stir and commotion in the free States of the Union for a season. I shall be assailed by demagogues and fanatics there without stint or moderation. But, acting under the sense of duty which animates me, I am prepared to make the sacrifice. I will do it.[1]

But Jefferson Davis says he agreed to do it, provided he could "first be assured that it would receive favorable consideration from the President."[2] On Sunday morning, January 22d, Mr. Douglas, accompanied by the Democratic members of the territorial committees of both Houses, by the assistance of Mr. Davis, then Secretary of War, had an interview with the President to ascertain if he could make the repeal an administration measure, and received the most satisfactory assurances of support. The wily Senator, not wholly trusting the word of the President, subsequently secured in his handwriting an amendment which was engrafted on the bill later. Meanwhile—the day after the pledge—Douglas introduced a new bill to organize the territories of Kansas and

[1] Letter of Archibald Dixon to H. S. Foote, Oct. 1, 1858, printed in the Louisville *Democrat*, Oct. 3. Also quoted in *Abraham Lincoln: A History*, vol. i., p. 347.

[2] *Rise and Fall of the Confederate Government*, vol. i., p. 27.

Nebraska in which the Missouri Compromise was declared *inoperative*.

The following day Mr. Douglas called up the bill, but at the request of several Senators, including Chase and Sumner, who wished to examine its provisions, its consideration was postponed until the 30th. Comprehending the full meaning of this new measure of the slavery propaganda, the Free Democratic members of Congress sounded the alarm in a vigorous address to the people of the United States, which met with such sympathetic and quick responses from every section of the North as greatly to disturb the Illinois Senator. When the bill was taken up for consideration, he attempted to divert public attention from the iniquity of the new measure by making a personal attack on Chase and Sumner, accusing them of discourtesy, of grossly misrepresenting the character of the bill, and of unfairly arraigning the motives of the committee. The language of the address is the best answer to Douglas's plaint, which failed of its purpose. He had roused fears that could not be allayed; he had precipitated a controversy that had to be submitted to the arbitrament of war. In further recognition that he was now put upon his defence, two weeks after he had introduced the Kansas-Nebraska bill he substituted the following paragraph for the clause declaring the Missouri restriction "inoperative and void":

> Which, being inconsistent with the principle of non-intervention by Congress with slavery in the States and territories as recognized by the legislation of 1850 (commonly called the compromise measures), is hereby declared inoperative and void; it being the true intent and meaning of this act not to legislate slavery into any territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States.

Mr. Chase moved to amend by inserting immediately after the above the following sentence:

Under which the people of the territory, through their appropriate representatives, may, if they see fit, prohibit the existence of slavery therein.

The Chase amendment was rejected by a vote of 10 to 36.[1]

During the debate on the Chase amendment, Mr. Pratt, of Maryland, moved further to amend by inserting after the word "prohibit" the words "or introduce," which would give to the people the power either to introduce or to prohibit slavery. This was ruled out, as beyond an amendment to an amendment parliamentary law forbade going, and Mr. Chase could not consistently make Mr. Pratt's motion a part of his own proposition.

It having been remarked that the repeal of the Missouri restriction would revive any slave laws in force in the Louisiana Territory prior to 1820, on motion of Mr. Badger of North Carolina, provision was made against such contingency. Thus formed, after a heated discussion the bill was passed on the 4th of March by a vote of 37 to 14, and sent to the House, where, after a protracted struggle, it was also approved—yeas, 113; nays, 100. In the Senate, Bell of Tennessee and Houston of Texas voted against the bill. In the House nine Southern members—seven Whigs and two Democrats—voted in the negative.[2] The States of Vermont, Massachusetts, Rhode Island and Wisconsin furnished no votes for the bill. Only four of Ohio's twenty-one members of the House followed the administration, and they were promptly retired by their constituents. The bill was carried by Northern Democratic votes. No Northern Whig voted for it.

A wave of indignation swept over the North, and before

[1] "This touchstone of the true nature and intent of the measure was most decisively voted down."—Greeley's *The American Conflict*, vol. i., p. 232, n.

[2] The negative Southern votes were made up as follows: Senate—Bell, Whig, of Tennessee; Samuel Houston, Democrat, of Texas. House—Louisiana, Theodore G. Hunt, Whig; Missouri, Thomas H. Benton, Democrat; North Carolina, Richard C. Puryear, Sion H. Rogers, Whigs; Tennessee, Robert M. Bugg, William Cullom, Emerson Etheridge, Nathaniel G. Taylor, Whigs; Virginia, John S. Millson, Democrat. In the Senate, John M. Clayton, Whig, of Delaware, voted against engrossing the bill, but he had spoken for it.

Douglas had fairly effected his combinations, the press and the pulpit were arrayed against him and gave him a new experience in censorious criticism. Here was a vast territory stretching from the thirty-seventh degree of latitude to the British possessions and from the Missouri border to the summit of the Rocky Mountains, embracing an area of four hundred and eighty-five thousand square miles, equal in extent to Great Britain, France, Portugal and Italy (which countries then contained a population of about eighty millions), which had been dedicated to the use of free men by an agreement heretofore held to be sacred—an agreement under which the Southern section had already had its share. The proposition now made to abrogate that solemn compact for the purpose of increasing the political power of the aristocracy of slavery was so perfidious as to justify the language of the remonstrances that went up to Congress from the clergymen of the North.

> We protest against it [said they] as a great moral wrong, as a breach of faith eminently unjust to the moral principles of the community, and subversive of all confidence in national engagements; as a measure full of danger to the peace and even to the existence of our beloved Union, and exposing us to the righteous judgments of the Almighty.[1]

Douglas responded in a letter to the Chicago clergymen full of specious and adroit pleading, of which he was a master, and later in the Senate he indulged in coarse invective, to which he was addicted when hard pressed by an opponent. He appeared to better advantage as a leader in debate, a character in which he has had few equals. He was engaged in a contest that tested his skill and endurance, during which he too often displayed irritation and impatience. After the division in his party, when his better genius led him to denounce the frauds committed under cover of official sanction, he became almost

[1] Senator Everett laid before the Senate a remonstrance signed by 3050 clergymen of New England. A similar remonstrance from the Northwest contained the names of 500 clergymen. The churches of Ohio, Indiana, Pennsylvania and New York took action.

great. His popularity increased in proportion as he seemed most anxious to overthrow the government wrongfully set up in the name of "Popular Sovereignty." That phrase he had coined to catch the popular ear, and it saved him from defeat in many a pinch during the next five years.

What chance had the real issue before a mass meeting, with the author of the Kansas-Nebraska bill as orator? The people were told that that measure vindicated the great principle of self-government. It repealed a guarantee and a prohibition —both wrong in principle, unconstitutional, and wholly inconsistent with any sound rule of justice and propriety. The people north of 36° 30′ were as much entitled to have slaves if they desired them as the people south of that line, and the restriction was not upon slavery but upon the freedom and rights of the people. South of a given line the people were recognized as capable of self-government; those living north of it as certain to use that privilege to their own injury. "It was a restriction which in terms and effect discriminated against the intelligence and capacity of the Northern people." [1]

The sinfulness of slavery; the boon of freedom and the opportunity under it for individual effort; the blessings of education, of family life without the shadow of human bondage and degrading passions—these, and the inconsistency of an aristocracy within a republic, all are left out of view.

Douglas persistently asserted that the Compromise of 1850 condemned the Missouri restriction, and established a new principle of non-intervention which he had incorporated in his Kansas-Nebraska bill,[2] in obedience to the popular verdict of 1852. He could fall back on the resolutions of the Legislature of Illinois, relating to the Compromise of 1850, in which the hope was expressed that in all future legislation for the organization of territories the principle of non-intervention might be incorporated. It is certain that he expected the

[1] *The Life of Stephen A. Douglas*, by James W. Sheahan, chap. x., which contains a clever defence of the Kansas-Nebraska act.

[2] Benton said that the Congress of 1850 declined to disturb the Mexican laws in Utah and New Mexico which prohibited slavery, and there was no new principle established as claimed by Douglas.

experience of other sectional contests would be repeated; that the repeal would produce a commotion in the North for a season only. And it is probable that he counted on the greater energy and persistency of the Yankees in colonizing the new territories and outvoting the Southern squatters.

It is related that in a company of his political friends, some of whom held anti-slavery views, at the Tremont House, Chicago, after the passage of the Kansas-Nebraska bill, he listened attentively to their objections and without attempting any exculpation simply remarked: "Well, gentlemen, do you not see that the act meets the claims of the South for equality of rights in the territories, and that the North will make them free States?"[1]

In justification of the Kansas-Nebraska bill it was urged by Southern Senators that the Missouri restriction had been virtually abrogated in 1850, "by the refusal of the representatives of the North to apply it to the territory then recently acquired from Mexico"; by Northern Democratic members that it had been superseded by the incorporation of the principle of non-intervention by Congress in the organization of territories and thus rendered inoperative—in effect denying that the Constitution conferred on Congress the power to legislate for the people of a territory. The author of the measure held that it was but the extension of the principle upon which the Colonies separated from the Crown of Great Britain, the principle upon which the battles of the Revolution were fought and the principle upon which our republican system was founded—that the people ought to possess the right of forming and regulating their own internal concerns and domestic institutions in their own way. He believed it would have the effect to destroy all sectional parties and sectional agitations, as it would withdraw the slavery question from the halls of Congress and the political arena, and commit it to the arbitrament of those who were immediately interested in and alone responsible for its consequences.[2]

[1] *MS.* From notes of a conversation with the Hon. Henry W. Blodgett.
[2] *Cong. Globe*, 1854. Douglas's speech of March 3d.

This was repeating the plausible reasoning of 1850 which reconciled the North to legislation that seemed to conflict with conscientious convictions. As the country found relief from political agitation in the Compromise, the leaders in this new movement flattered themselves that similar results would ensue from the repeal of the Missouri restriction.

Alexander H. Stephens likened the sectional contest in Congress to the discord that prevailed in Heaven until "the First Born, clothed in the majesty of divine power, arose and hurled the factious hosts from the empyrean battlements to the bottomless pits below." So in the halls of the Capitol they had seen peace-destroying feuds and unseemly conflicts engendered and instigated by the fell demon of "restriction," or "Wilmot Proviso," which stalked with insolent brow in their very midst.

> These scenes lasted until the Genius of our country rose in its might on the 17th June, 1850, armed with the great American principle of self-government, which had borne our fathers through the struggle of the Revolution, and drove the hideous monster, with all his impious crew, from the Capitol—cast them out and hurled them downwards to that lower deep from which their plaintive howls now ascend.

He did not believe that this measure would meet with disfavor in the North. Agitation would soon die out as it had when the Wilmot Proviso was abandoned, and when the Compromise was adopted. Gaining courage as he proceeded, he indulged in a show of bravado. The North, he said, were driven by the South in 1850, and the North would again yield acquiescence to Southern dictation.

But yielding as the North had been in the past, there was a point, said Campbell, of Ohio, "at which even their forbearance ceases to be a virtue." [1]

This was better understood by Senator Bell of Tennessee than by others from his section. He opposed the bill because "it would alienate the noble men of the North who sustained

[1] Appendix *Cong. Globe*, 1854, p. 244.

the Compromise of 1850." Its tendency was to stimulate the formation of a sectional party organization, "the most fatal evil which could befall the country, except the dissolution of the Union, and that last and greatest calamity the success of such a movement would infallibly bring about." [1]

The attempt to justify the Kansas-Nebraska wrong by declaring that the North had abrogated the Missouri Compromise by refusing to extend the line of 36° 30′ to the Pacific coast in 1850 was not well founded. The Compromise applied only to the territory of the Louisiana Purchase. It was the adjustment of complications existing in 1820. The North had reluctantly consented to it, and had witnessed the extension of the slave power under it, waiting patiently for the benefits accruing to freedom. There was no obligation incurred or implied that similar concessions should be made in the case of territory acquired thereafter. That was a distinct transaction. And when the principle of non-intervention was applied to New Mexico and Utah it could not be made to supersede the Missouri restriction which was in force in other and distinct territory.

The great speeches of Chase, Sumner, Seward and Wade in opposition were read with avidity, and their arguments were canvassed wherever two or more were gathered together. Press and pulpit barely kept abreast of public sentiment:

> Why urge a soul already filled with fire?

Of the truth of this even those who had promised themselves that the resentment roused by a flagrant breach of political faith would soon pass away were in time convinced. They did not understand Northern character. Organization took the place of indifference. The tocsin was sounded in every school district, and thousands who had been engrossed in trade, professional or social cares became leaders in the new political movement. Not even the patronage of a corrupt administration—and no administration was more shameless in the use of its power for political ends than this—could save

[1] Appendix *Cong. Globe*, 1854, p. 948.

the representatives of the people, who had destroyed the peace of the country, from defeat.

The incertitude attending the future of the Whig party in the South was full of meaning. Stephens and Toombs had deserted in 1852. Hilliard, Watts, Bell, Marshall and other leaders still hoped for the restoration of the National Whig party; with the unhappy slavery controversy laid, they were certain of bringing about such a reunion as would insure the success of their political principles and the promotion of the business interests of the country, which were being neglected for party or sectional ends. These hopes were destined to be speedily extinguished. The incorporation of the Massachusetts Emigrant Aid Company, upon the heels of the repeal of the Missouri restriction, led the Southern Whigs to abandon any effort at a restoration of the restriction, and to abandon their party organization.[1] The advantage of position was so clearly with the States Rights party that the Whigs found that their only opportunity for resistance to disunion was through a new organization. They largely joined the American party, which was pledged to refuse "to test the suitableness of any man for public office by the question whether he is for or against the mere extension of slavery in some territory of the United States." Nevertheless they admitted the principles of the Kansas-Nebraska act as to the rights of the people settling in a territory, while putting their opposition to the Democracy on the indisputable fact that they had "elevated sectional hostility into a positive element in political power and brought our institutions into peril."[2]

The people, living in a state of unceasing excitement, moved by a great passion—patient under business reverses and disordered finances; indifferent to war clouds in the East and to the fate of contending armies in the Crimea; engrossed with one subject that forces itself upon their attention, and that shall continue to do so until settled beyond the power of any to disturb it again—this briefly describes the United States in 1854.

[1] *The Cradle of the Confederacy*, chap. xiii.

[2] *Ibid.*

"Is not freedom to be considered as well as slavery?" pertinently asked Senator Wade of the administration majority who seemed solicitous only for the expansion and protection of the system of human bondage. Not the least remarkable of the facts connected with this movement, is the fact that the majority left out of view altogether the progress of man, and believed it possible to perpetuate a system the world had outgrown. The ruling aristocracy of the South were proclaiming the doctrine that the proper relation of labor to capital was that of servitude—a relation that developed the most beautiful sentiments of the human heart, and established social order upon a solid foundation. They contrasted this peaceful system, under which they found opportunity for a high order of intellectual existence, with the unrest of the democratic system at the North, "which was unfitted for well-bred gentlemen," [1] and which was a constant menace to orderly government. During the debate in the House in December, 1853, on the railroad riots at Erie which obstructed one of the great channels of commerce, Mr. Boyce, of South Carolina, addressing the Northern members, said: "It is one of the misfortunes to which you are exposed by having your whole population made up of freemen." [2]

[1] Muscogee *Herald.*

[2] The Erie riots created wide-spread excitement. There was no consolidated system of transcontinental transportation in the early fifties. The railroads had been constructed under limited charters, and were managed independently of each other. Numerous changes were necessary to make the journey from the Atlantic seaboard to the Ohio valley, and vexatious delays were the rule. These delays were multiplied on the route through New York by a difference in the gauge of the roads. At the State line west of Buffalo, a transfer was made to the Erie, which had a six foot track, and a run of twenty miles took the traveller to Erie, where another change was made to the Cleveland or Lake Shore road, which had the same gauge as the Rochester line east of Buffalo. In attempting to make a uniform gauge so as to run cars from Buffalo to Cleveland without change, the citizens of Erie County, Pennsylvania, obstructed the work.

The dispute was settled in the courts after interstate commerce had been a long time impeded, to the disgust of the general public. Pending the settlement large meetings were held at Cincinnati and other cities, against the action of the citizens of Erie. At a meeting held at Indianapolis a memorial to Congress was adopted, which was laid before the House by Thomas A. Hendricks, Dec. 31, 1853. In

Not only was the system of labor a mistake, but the tendency of the whole order of society was to lodge the power of control in the hands of an irresponsible and imperfectly educated majority.[1] Aye, not only the North but America was set apart for freemen. That was the contention of one section, the behest of the Declaration. The two systems were now in deadly conflict. To the complaint of the South of unfriendliness, the North replied: *We* are not against *you*. "It is mankind; it is the world, it is civilization, it is history, it is reason, it is God that is against slavery."[2]

No one at this day will question the sincerity of the Southern

presenting the memorial Mr. Hendricks said: "If a company of six or eight hundred men had invaded our borders, and had interrupted our commerce, stopped our mails, and hindered the intercommunication of people, the attention of the whole country would have been at once arrested and the power of the whole country commanded. The same section of the Constitution which confers power on this government to repel invasion, also gives the correlative obligation to suppress insurrection."—*Cong. Globe.*

The comments of the Richmond *Enquirer* were:

"At the North and in western Europe, by attempting to dispense with a natural and necessary and hitherto universal institution of society, you have thrown everything into chaotic confusion. In dispensing with domestic slavery you have destroyed order, and removed the strongest argument to prove the existence of Deity, the author of that order. They inculcate competition as the life of trade and essence of morality. The good order, the peace, the protection and affectionate relations of society at the South, induce the belief in a Designer and Author of this order, and thus 'lift the soul from nature up to nature's God.' The chaotic confusion of free society has the opposite effect."

Contrast the above with Jefferson's views as to the value to man of the turbulence of liberty, and with the views of the Richmond *Enquirer* Jan. 7, 1832, given below. They show with startling clearness the radical change in Southern opinion:

"Are we forever to suffer the greatest evil which can scourge our land, not only to remain, but to increase in its dimensions? Something ought to be done. Means sure but gradual, systematic but discreet, ought to be adopted, for reducing the mass of evil which is pressing upon the South, and will still more press upon her, the longer it is put off."

[1] "But the worst of all these abominations is the modern system of free schools, because the cause and prolific source of the infidelities and treasons that have turned her cities into Sodoms and Gomorrahs, and her land into the common nesting places of howling Bedlamites."—Richmond *Examiner* on the free States.

[2] *Life and Letters of Francis Lieber.*

people. We have seen how the aspect in which slavery was viewed during the first nine administrations changed as the country developed and the value of the negro as an industrial factor increased; how, after South Carolina's abortive attempt at nullification, the whole power of the government was employed to suppress freedom of speech, to strengthen the institution of slavery and to give the preponderance of political influence to the Southern section; how the intolerance and uncharitableness of Abolitionists rendered the classes most interested deaf to reason and provoked the creation of harsh local laws; how filibustering became a national disgrace; how war was waged upon a weak republic in order that our southwestern boundary might be extended; how our claim to a vast territory in the Northwest was ignominiously surrendered and the boundary of freedom retracted [1]; how the admission of the sinfulness of human bondage gave place in the South to the declaration that it not only was not an evil but was a positive blessing [2]; and how the substitution of the plausible political theories of Calhoun for an early reading of the Constitution divided the Democratic party. We shall see how a sense of insecurity leads to an open rupture of the Union and the final establishment of fraternal relations between the sections.

The Pierce administration early engaged through force and fraud in an effort to extend the Southern system into free territory. If another slave State could be obtained, there would be such a consolidation of sectional power in the Senate as to prevent the future admission of any free State without

[1] "The administration was vehement in asserting an equally clear right in both; but whilst the Southern claim was enforced by war the protestations of the President that the Northern one was indisputable were actually accompanied by a diplomatic offer of the present boundary line, which was promptly accepted by England. The next editions of our school atlases showed the Southern line advanced to the Rio Grande, and the Northern one retracted so as to exclude a territory which Sir Charles Dilke says is equal to France, Italy, Belgium and Holland United."—Gen. Jacob D. Cox in *Atlantic Monthly*, March, 1892.

[2] Charleston *Mercury*. Also speeches of Mr. Calhoun and other States Rights statesmen.

the corresponding admission of a slave State; and to dictate the future political policies of the government in the acquisition of territory, in commerce and finance. In case of success, secession need not be resorted to, because the Southern would become the national system.

The people of the North saw the danger, and felt the necessity of meeting it with overwhelming force. This feeling was spontaneous. They sank political prejudices, they severed party ties, they postponed all other questions to the paramount claims of the duties of the hour. These were to settle the future status of the new States upon the prairies of Kansas and Nebraska; to consolidate opposition to the administration, and to consign to political oblivion the members of Congress who had betrayed the cause of freedom. During the progress of the territorial bill through its legislative stages, imposing public meetings were held in New York, Boston and the cities of the West, to remonstrate, but these failed to change the party decree. The protest of German workingmen of New York had peculiar significance. The Kansas and Nebraska measure, it declared, "withdraws from the operation of a future homestead bill an immense stretch of territory." There could be no free homesteads under the Southern system. This marks the beginning of the desertion of the bulk of the sturdy German population of New York, Ohio, Illinois and Wisconsin from the Democratic party.

The rapid rise of the American or Know-Nothing party was due quite as much to the breaking up of old associations as to the mystery with which it was surrounded. The reckless violation of the naturalization laws and the too frequent disregard of requisite qualifications for office, especially in New York and Louisiana, created alarm in the thirties and led to the organization of the Native American Associations, having for their chief object the repeal of the naturalization laws. Afterwards these associations became involved in a controversy with the Roman Catholic Church, attended by personal assaults and destruction of property. The American or Know-Nothing organization was a revival of the earlier movement. The

secrecy attending it gave it great power for a while, but later proved a weakness. When enjoying its greatest triumph, its principles were explained on the floor of the House:

> While it denies no rights to a minority [said the speaker], it demands the rights of the majority. While it denies to foreigners nothing that belongs to them, it claims and assumes the prerogative of government, which is, here, the unquestioned right of Americans. Denying to no person the right of conscience, or the freedom of religious opinion, it establishes and perpetuates both, in placing the government upon the basis contemplated by the Constitution and by the Fathers of this Republic.[1]

Attention was called to the closeness of elections, and it was asserted that a change of less than 39,000 votes out of an aggregate of over 3,000,000 would have elected General Scott instead of Mr. Pierce in 1852. In fourteen States having 152 electoral votes, the foreign vote was shown to be 258,548, and Pierce's majority 120,094—the inference to be drawn being that a great preponderance of native American votes went to Scott.

The agitation of such questions in a country with a great and constantly increasing foreign population could not but lead to serious social disturbances. Intolerance begets violence. In Cincinnati there was an unfortunate conflict between the Germans and the Americans known as the "Battle of the Rhine,"[2] the effect of which lasted for years. The Germans were among the staunchest citizens, and when a real war came they proved their patriotism on every field of battle.

The "Americans" in 1853 and 1854 controlled the results in several States. The important States of Massachusetts, New York, Ohio and Indiana were included. In Ohio, in 1853, the candidate of the opposition for Supreme Judge re-

[1] Speech of Nathaniel P. Banks, Appendix *Cong. Globe*, 1855, p. 52. Despite Mr. Banks's friendliness, he was persistently opposed by many American members during the contest for Speaker. See also speech of Garrett Davis in Kentucky constitutional convention. Pamphlet, p. 33.

[2] The canal (Rhine) marking the line of division between the German and the American citizens.

ceived a majority of eighty thousand votes. The repeal of the Missouri Compromise brought about a union of Whigs, Free Soilers, Anti-Administration Democrats and Americans in all of the Northern States under the name of the Anti-Nebraska party, which effected radical changes in both branches of Congress. The Michigan convention held on the 6th of July, 1854, christened the party of that State "Republican," and a week later conventions in Ohio and Wisconsin made use of the same apt name. But Anti-Nebraska continued to be more generally used by those in favor of the restoration of the Missouri restriction. That was the ostensible issue of the political contest for the next six years, which seemed to consolidate into a great party elements heretofore antagonistic. "There can be no doubt," said the New York *Times*,[1] "that the repeal of the Missouri Compromise has done more than any event of the last ten years to strengthen anti-slavery sentiment in the free States."

When the Kansas-Nebraska organic law was passed on the 31st of May, there was not one white inhabitant lawfully within the territory. Within the State of Missouri on the border were several thousand[2] waiting for the opening, but fewer entered as *bona fide* settlers than promised. There was a movement all over the North, stimulated by public meetings and associations, to obtain homesteads in the new country, which was grossly misrepresented by politicians and made the occasion for a shameful attack on the people of the Northern States by the President. The New England Emigrant Company came in for a larger share of credit than its work warranted. It was but a single instrumentality. Emigrants associated themselves together for convenience and economy, and formed settlements of those who had similar customs and tastes. From Kentucky a company of seventy went out provided with every convenience, including several ready-made houses. The members of the association paid their own expenses, and before embarking formed a constitution and

[1] May 29, 1854.

[2] Said to be from 10,000 to 15,000 by one of the friends of the bill in debate.

by-laws,[1] to which they severally subscribed. They were all free State men. Similar associations were formed in many of the States, and in every instance they followed the policy first successfully put in operation in the settlement of Kentucky and Ohio. This simultaneous and natural movement to acquire new homes met with defiance in western Missouri, before one of the Eastern emigrants had reached Kansas. On the 20th day of June, nineteen days after the opening of the territory, "The Platte County Self-Defensive Association" assembled at Weston, and declared by resolution that "when called upon by any citizen of Kansas, its members would hold themselves in readiness to assist in removing any and all emigrants who should go there under the aid of Northern emigrant societies"—a promise they afterwards frequently attempted to make good. The work of force and fraud was now prosecuted with great vigor. The equality of representation in the Senate was to be secured to the South by making Kansas a slave State, which, moreover, incidentally would increase the value of the slave property of Missouri. The eighteen counties of Missouri lying on or near the border contained a population of about fifty thousand blacks, worth at current prices $25,000,000. With a free State adjoining on the west, the owners felt their property would be unsafe and almost valueless.[2]

Andrew H. Reeder of Pennsylvania, who received the appointment of Governor, did not reach Fort Leavenworth until the 7th of October. After visiting the different settlements, he divided the territory into districts and established the executive department of government. At an election held November 29th, in which seventeen hundred and twenty-nine Missourians participated, J. Whitfield, Indian Agent, was elected Congress delegate. The success of this raid emboldened the Missourians to give the citizens of Kansas a Legisla-

[1] Published in *The Type of the Times*, Cincinnati, March 3, 1855, under the caption "The Kentucky-Kansas Association."

[2] Proceedings of Convention at Lexington (Mo.). Cincinnati *Gazette*, July 21, 1855.

ture of their own selection at the election March 30, 1855. Five thousand armed men invaded the territory, took possession of the several polling places, intimidated the residents, and cast nearly eighty per cent. of the six thousand three hundred and seven votes polled.[1] The election was fraudulent and ought to have been set aside by the Governor.[2] He ordered a new election in six districts, from which eleven free State men were returned, but the pro-slavery majority disregarded the Governor's certificates and seated the persons first returned. As organized, the Legislature contained a solitary free State member, who shortly after resigned.

The Legislature adjourned from Pawnee, which had been designated by the Governor as the place of meeting, to Shawnee Mission, and there completed the enactment of laws that filled a volume of eight hundred and twenty-three pages. A slave code was provided, which was strengthened by "an act to punish offences against slave property"—the most flagrant invasion of the personal-liberty clauses of the Constitution ever attempted even in support of the American system of barbarism. It provided the penalty of death for every person convicted of raising or assisting in raising "an insurrection of slaves, free negroes or mulattoes"; and for every person who by speaking, writing, printing or circulating any book, paper, magazine or circular, for the purpose of exciting insurrection on the part of slaves, free blacks or mulattoes. In case of conviction for enticing a slave to run away, or concealing or harboring a slave, the penalty was either death or imprisonment for not less than ten years. For resisting an officer engaged in arresting a slave two years' imprisonment was provided, and for refusing to become a slave-catcher a bystander could be mulcted in the sum of five hundred dollars.

To effect the complete suppression of freedom of speech and of the press, two sections were provided declaring it to be a

[1] *Kansas: The Prelude to the War for the Union*, p. 45.

[2] Governor Reeder yielded to intimidation and issued certificates to the border ruffians who were capable of murdering him if thwarted in their purpose. See testimony in Report of House Committee of Investigation, 1856.

felony, the punishment for which was imprisonment at hard labor, to print, write, publish or circulate any book, paper, pamphlet or circular containing any statement, argument, opinion, sentiment or doctrine calculated to produce disaffection among the slaves in the territory, or denying the right of persons to hold slaves. And finally, to insure the conviction beyond a peradventure of any one accused of violating the law, all persons conscientiously opposed to holding slaves, or not admitting the right, were prohibited from sitting as jurors on the trial of any prosecution under the act.

Officers and attorneys were required to be sworn to support the organic law of the territory, and the fugitive slave laws. If any person entitled to vote should refuse to take an oath to sustain the fugitive slave laws, he should not be permitted to vote—an ingenious method for disfranchising Eastern immigrants. No time of residence was necessary to entitle one to vote, thus providing in effect that the people of a neighboring State could enter the territory and after a stay of an hour or so, and by paying a poll tax of one dollar, could exercise the same privilege as a *bona-fide* resident.

One of the most useful instruments in the work which the administration had undertaken in Kansas was Samuel Dexter Lecompte, who had received the appointment of Chief Justice. He was from Maryland and bore the name of a famous New Englander, which, however, did not serve to modify his zeal in behalf of wrong or influence him to respect the just principles of his profession. In reward for his support on the bench, the fraudulent Legislature, while distributing local franchises, did not overlook the Chief Justice, who became an incorporator in some of the most valuable railroad organizations. The provision of the general corporation law providing for alteration or repeal of special charters was made inoperative as to the Lecompte corporations; and the sections making stockholders and directors liable for debts were suspended for the benefit of Judge Lecompte.[1]

These, then, were the first-fruits of Douglas's great principle

[1] Speech of Schuyler Colfax, June 21, 1856, *Cong. Globe.*

of "popular sovereignty," under the zealous administration of his friend Senator Atchison of Missouri,[1] and John H. Stringfellow, who had been made Speaker of the territorial House. There was no power to hold in check the desperate ruffians of the border, and give protection to honest settlers seeking homes and the rights of citizenship under the organic act, for the President had made the conspiracy to fasten slavery upon Kansas an administration policy. He shared with Atchison and Stringfellow the responsibility for the destruction of ballot boxes, for false oaths, for the conflagrations and bloodshed that attended the setting up of a fraudulent Legislature to force upon a free people institutions they abhorred. Well might good men then despair for the future peace of the country. "For if they do these things in a green tree, what shall be done in the dry?"

Governor Reeder, astounded by the open violence daily practised, and by the disregard of his official opinions, went to Washington to find out whether he was to be Governor of Kansas *de facto* or only *de jure*, and whether the administration would sustain him in the proper discharge of the duties of his office. He was received with coldness and rebuked with severity. He soon learned that the fatal blunder he made in giving certificates to a majority of the Legislature elected by the border ruffians, even though committed under duress, would be cited by the President and the Attorney-General to prove the legality of that body and the regularity of its proceedings. What cared the President for the wishes of a majority of the inhabitants of Kansas, since they ran counter to his own? He had been served with notice—a notice he felt bound to respect—that if he pronounced the dissolution of the Legislature and commanded Governor Reeder to carry out his will, he would find a hornets' nest about his ears. Neither the President, the Governor nor anybody else had any right to interfere with the functions of the Legislature.[2]

[1] Atchison boasted that he had personally led hundreds of armed men into Kansas, yet Douglas defended the character of Atchison on the floor of the Senate.

[2] St. Louis *Republican*.

Governor Reeder returned only to be further humiliated, to be removed presently, and to find himself thrown into association with the free State settlers, who decided to resist the tyranny of an alien Legislature.

Secretary Woodson, a pro-slavery man, became acting Governor upon Reeder's deposition, and signed the laws passed by the fraudulent Legislature. He was relieved on the 3d of September by Governor Wilson Shannon of Ohio, who entered the territory accompanied by the triumphant Missourians. Shannon was a man of very moderate ability, who had been elected Governor of Ohio in 1842 by a few hundred votes over the brilliant Thomas Corwin, who suffered for the sins of John Tyler. He was first and always a Democrat, and he was appointed by the President because of his devotion to party and his yielding disposition.

The effusive attention paid to Governor Shannon by the pro-slavery leaders of Weston, Atchison Leavenworth and Shawnee Mission, gratified his vanity and won him to their cause. He announced with indecent haste the legality of the Legislature chosen by the border ruffians and his purpose to enforce the laws passed by it. He presided at a "Law and Order" meeting held at Leavenworth on the 14th of November, and heard the majority of the people of the territory denounced as guilty of "nullification, rebellion and treason," without recognizing, apparently, the indelicacy of the executive becoming the instrument of a faction in the midst of civil commotion.

There were fair-minded people in the South who did not view the situation in Kansas with the complacency of Governor Shannon; who expressed the opinion that the outrages that had been committed by Atchison, Stringfellow and the Missouri borderers generally were a disgrace to the country and the age; that they "would be the means of defeating the object which the authors of the organic law had exclusively in view—the organization of Kansas as a slave State."

No one can honestly justify [said the New Orleans *Bulletin*], or

even extenuate, the outrages and violations, not merely of law, but of those conventional observances which exist in the most rude and primitive societies, which have been disgracing a territory under the United States government for the past six months. But this negative condemnation is not enough; there should be direct and emphatic denunciation of this condition of affairs. The class of citizens who are the friends of law and order, who deprecate the supremacy of mobs and lawless assemblages, and who desire to see the people exercise freely and peaceably the rights and privileges to which they are entitled, should set their faces against the domination of reckless and irresponsible power.

The meeting over which Governor Shannon presided, in palliation of the drastic provisions of the gag law, which ran counter to the prejudices of a free people, declared: "To deny the right of a person to hold slaves under the law in this territory *is made penal; but beyond this there is no restriction to the discussion of the slavery question, in any aspect in which it is capable of being considered.*"

In further contempt of the popular-sovereignty principle of the organic act, the Legislature created all offices and filled them, or appointed officers to fill them for long periods; and fixed the dates for future elections so that there could be no change in the laws or offices until the session of the Legislature of 1858, however much the inhabitants of the territory might desire a change.[1]

The people of Kansas, thus deprived of any voice in the organization of the territory; oppressed by a government created by force and fraud; their property and lives placed in jeopardy, and their respectful petition for redress of grievances treated with contempt by the national administration, saw no source of relief but in the formation of a State government, and the acceptance and ratification thereof by Congress. They proceeded in conformity to precedents, and in an orderly manner asserted their constitutional rights as American citizens. After they had ratified the constitution, completed the

[1] Minority Report of Senate Committee on Territories, March 12, 1856.

State organization their delegates had made at Topeka, and chosen a Representative and two Senators, they made a formal application to Congress for the admission of Kansas into the Union of States. Meantime the Legislature adjourned to July 4, 1856, to await the action of Congress.

This, then, was the situation at the opening of the great political campaign of 1856. The ill-advised act of striking down the Missouri Compromise had resulted in new political combinations, in the capture of the popular branch of Congress by the anti-Nebraska party, and in the election of Nathaniel P. Banks, Jr., of Massachusetts, Speaker, after an extraordinary struggle during which all efforts to break the ranks of the new party proved unavailing. The Democrats were compelled to abandon William A. Richardson, their caucus nominee, and to vote for William Aiken of South Carolina, who was acceptable to a majority of the Southern Americans—Henry Winter Davis of Maryland and Mr. Cullen of Delaware declining to vote. This was the first distinct victory of the free States over the consolidated power of the South in the history of the government, and when the oath of office was administered to the Speaker by Joshua R. Giddings, as the oldest member of the Thirty-fourth Congress, the spectators recognized the dawning of a new era. In the Thirty-fourth Congress new men appear, who are to become conspicuous in the annals of the country, in shaping its destiny and in grappling with the complicated questions arising with ominous frequency. In the Senate the minority are reinforced by Lyman Trumbull, Jacob Collamer, Henry Wilson, James Harlan, Lafayette S. Foster, James Bell and Charles Durkee. John P. Hale returns to witness the downfall of his old enemy, Franklin Pierce; John J. Crittenden reappears to uphold the conservative unionism of the defunct Whig party. George E. Pugh, who takes the place of Salmon P. Chase, proves a brilliant debater and a champion of the political fortunes of Stephen A. Douglas. The free States having abandoned the administration, Gwin fails to be returned from California. In the House, John Sherman enters upon a public career

almost unexampled in duration and usefulness, and associated with him are Justin S. Morrill, John A. Bingham, the three Washburn brothers, Anson Burlingame, Valentine B. Horton, Galusha A. Grow, Francis P. Blair, Jr., and Francis E. Spinner, representing Northern sentiment; Emerson Etheridge representing the Union sentiment of the middle South; and John A. Quitman, William Barksdale and Preston S. Brooks, the secession movement of the extreme South. These political divisions are to continue, and these actors, joined by others later on, are to participate in the great tragedy the prelude to which, on the plains of Kansas, at present is engrossing the attention of twenty-six millions of people.

CHAPTER VII

ATTITUDE OF THE COURTS

THE attempt to establish a national party that should ignore the sectional issues, the aspiration of a few patriotic citizens, quickly proved a failure. The American party could no more check the moral sentiment of Christendom than King Cnut the flow of the sea. The opposing forces advanced irresistibly to conflict, and crushed the American as they had the Whig party. When the representatives of that party met in convention in Philadelphia, June 5, 1855, there was a division on the sectional question which proved to be irreconcilable, and the minority, refusing to be bound by a declaration "that Congress ought not to legislate upon the subject of slavery within the territories of the United States," withdrew and published a temperate address to the people. This faction coöperated with the anti-Nebraska party, and later was absorbed by the new Republican party.

This change came about more quickly in Ohio, where there was less diversity of sentiment than in any other of the great States. In Massachusetts the Know-Nothings defeated the Republican candidate for Governor in 1855, but they failed in Ohio, where there was early a patriotic yielding of party predilections, and where the issues were sharply presented. Successful coöperation, however, was not effected without the tactful interposition of the most eminent citizens of the State, who set an example worthy of imitation in great emergencies. The candidacy of Mr. Chase, for Governor, revived the politi-

cal bitterness of other days when the votes of Liberty men served the interests of the opponents of Corwin and Clay. Some of the old Whig friends of the latter, moved by the eloquence of Judge Johnston, cast 24,310 votes for Allen Trinble, which represented the irreconcilables. Within the anti-Nebraska party there was a sharp contest between the different elements for supremacy, but the Free Soil Whigs and Free Democrats constituted a majority, and they united in support of Mr. Chase on his record in the Senate in opposition to the repeal of the Missouri Compromise. The Americans, to whom were given the offices of lieutenant-governor and supreme judge, however, were held to the support of Mr. Chase, who had frankly opposed a proscriptive policy, only through the strenuous efforts and good faith of their leaders, who held that the restoration of the Missouri restriction was the paramount question of the day.

The Ohio campaign was of national importance, as upon the issues presented hung the determination of the practicability of consolidating the various elements of opposition into a great party to contest the field with the Democracy. If Ohio could be carried for Chase, the whole North could be consolidated.

Events which will be referred to below influenced the action of this convention in a matter of grave moment. The following resolution was adopted:

Resolved, That the people who constitute the supreme power in the United States should guard with jealous care the rights of the several States as independent governments. No encroachments upon their legislative or judicial prerogatives should be permitted from any quarter.

In accepting the nomination Mr. Chase gave an imperative meaning to this resolution, which revealed his purpose in case of election: "The independence and sovereignty of the State," said he, "in her legislation and judiciary, *must be asserted and maintained.*" With a Governor and a Legislature like-minded,

a conflict with the power that maintained the supremacy of the fugitive slave act was inevitable.[1]

The Southern extremists continued to *force* the rugged issue on the North as Calhoun had advised,[2] and fugitive cases were prosecuted with rigorous severity, the United States marshals too often proving brutal instruments of the law, which received new interpretations from over-zealous judges. The successful prosecution of each new case seemed to hedge about the system of human bondage with ever-increasing sanctity, making it superior to the Constitution itself. Thus Judge Grier in the Kauffman case in effect denied to Pennsylvania the power of excluding slavery from her territory. The slaves had been carried into that State by the voluntary act of the claimants, and their status, the court held, depended on the law of Maryland, and not on that of Pennsylvania.[3]

In 1852 Jonathan Lemmon of Virginia, designing to emigrate with his slaves to Texas, found it convenient to embark from the city of New York. Mr. Lemmon and his eight slaves were taken before Judge Paine, of the Superior Court of the city of New York, by writ of *habeas corpus*, and the cause of the restraint of the slaves inquired into. The plea of respondent was that they were his slaves, in right of his wife, who was removing to another State, and that she had

[1] "The people [of Ohio] under the guidance of honest and high-souled men from these old parties have associated themselves as Republicans into a league of defence for the protection of the State rights and their individual liberties."—New York *Times*, July 16, 1855.

[2] Letter, Oct. 3, 1847, to Percy Walker, first published in the Charleston *Mercury*, June, 1855; in New York *Times*, June 27th.

[3] The case of Shadrach S. Oliver and others *vs.* Daniel Kauffman and others, 1852. Judge Grier said: "In the case now before the Court it is contended that the slaves became free by the act of the plaintiffs in voluntarily bringing them into the State of Pennsylvania. This question depends upon the law of Maryland, and not of Pennsylvania." The opinion of the courts of Kentucky, Louisiana and other Southern States in numerous cases was the opposite of Judge Grier's. In the same decision, Judge Grier said of Lord Mansfield's famous opinion in the Somerset case, 1772, that the "pretty things" uttered by Lord Mansfield should be "classed with rhetorical flourishes rather than legal dogmas." A verdict of $2500 was given against Kauffman for having given food to colored persons who were not fugitives in a legal sense.

no intention of bringing them into the State of New York to remain. The point of law distinctly presented was, whether a slave, brought into New York by his master or mistress, could for one moment remain a slave, and as such be taken into a slave State, or whether he was not in a condition of freedom, and, like every other free man, entitled to protection in the enjoyment of that freedom. Judge Paine, following precedents in both Southern and Northern courts, directed the liberation of the slaves.[1]

A few months later Judge Crenshaw of the Kentucky Court of Appeals delivered an elaborate opinion, affirming the decision of the lower court liberating Clarissa, a slave, who was permitted by her mistress to accompany Mrs. Alexander to Philadelphia and remain there more than six months.[2] Clarissa returned to Kentucky with Mrs. Alexander, and on being sold, instituted a suit for her freedom. The case of Dred Scott, which will be considered hereafter, involved the same question, and was decided in the same way by one of the courts of Missouri.

But Judge Kane of the United States Court of eastern Pennsylvania did not hold this to be good law. In the case of Passmore Williamson, who had informed a slave woman brought into Pennsylvania by John K. Wheeler of North Carolina, that she and her children were no longer slaves, he asserted that the law of nations guaranteed the right of transit of slaves, and of every other species of property, through territory where slavery was not recognized. "If the contrary principle was sanctioned, the time might come when the cotton of Louisiana, the rice of Carolina and rum of New England would be restricted from transportation without the bounds

[1] Citizens of New York indemnified Lemmon in full. The State of Virginia afterwards brought suit to test the validity of the enfranchisement. Mr. O'Conor was retained to represent that State. Mr. Evarts represented the other side. The case came up for argument before the Court of Appeals in January, 1860, when Mr. Evarts made an argument that gained him great reputation.—*Memoir of Thurlow Weed*, vol. ii., p. 323.

[2] The opinion was delivered in the January term, 1853. The case had been in court for several years.

of the State producing them." He knew of no statute of Pennsylvania divesting the rights of property of a citizen of another State, and if such a law could be shown, he was not aware that it could be recognized as valid in a court of the United States.

Judge Kane regarded slaves as property merely, whereas the Constitution of the United States, under which he derived his powers, regarded them as persons, and while making provision for the reclamation of slaves escaping from service, it made none at all for the cases of slaves held to be property under the municipal law of one State, sojourning in or passing through the territory of another. But the constitution of Pennsylvania prohibited slavery within the State limits, and that prohibition was unlimited except as it was modified by the clause of the national Constitution relating to fugitives. Could a judge of the United States Court add another limitation and say that slavery might exist in Pennsylvania for the convenience of temporary sojourners? If he could give the system life for one minute, he could for an hour, for weeks, and so could place the sovereignty of Pennsylvania prostrate beneath the heel of judicial power.[1]

In Ohio "dire was the noise of conflict." Sharp collision between the State and United States tribunals had challenged public sentiment to quick decision. It sustained the position taken by the State convention of the 13th of July, that the sovereignty of the State in her legislation and judiciary must be asserted and maintained. The case that precipitated this decision is one of the most notable in the history of the sectional controversy.

In the month of March, 1855, the Rev. Henry M. Dennison of Louisville, Ky., placed Rosetta, a slave, in care of a friend

[1] On Williamson replying to the interrogatory of the court that the slaves were not in his custody or control, Judge Kane sent him to jail for contempt. When Jane Johnson, the escaped woman, herself appeared before the court and moved for the discharge of Williamson, the judge refused to recognize that she had any status in court. Three months later, on Williamson putting his reply in different form at the suggestion of the court, he was discharged. This outrage on personal liberty won for Judge Kane the title of the American Jeffreys.

to be taken to Virginia. The friend left the boat at Cincinnati and proceeded by way of Columbus, where he was detained over Sunday. The girl was aided in her wish to be free by friends of her own race, who caused her to be taken by writ of *habeas corpus* before Judge Jamison of the Probate Court, who adjudged her to be free, and appointed Mr. Van Slyke, a well-known citizen, her guardian. The owner obtained a warrant from Commissioner Pendery, which was served by the marshal, who carried the girl to Cincinnati. Upon a *habeas corpus* issued by Judge Parker of the Court of Common Pleas of Hamilton County, the alleged fugitive was discharged from the custody of the marshal.

I appeared in behalf of Rosetta [said Mr. Chase]; Judge Timothy Walker, one of the most eminent and respected members of the bar, and Mr. R. B. Hayes, a young lawyer of great promise, appeared with me; while Mr. Pugh and Judge Flynn appeared on behalf of Mr. Dennison. The case was thoroughly argued, and the court ordered that Rosetta, having been brought into Ohio by the master or his agent, was free and should be delivered to the custody of her guardian.[1]

This was in accordance with numerous precedents. But the able opinion of the court contained two propositions which properly belong in any account of the conflict of jurisdiction then in progress:

That upon writ of *habeas corpus*, issued by the courts of the State, the court might and would look into the legality of the detention of persons held under process of a United States court, and if such detention were found to be illegal, would grant a discharge therefrom.

That under the constitution of Ohio the alleged right of transit with slave property through the State did not exist. Slavery could have no existence beyond the territory where established by law, which law could not be carried beyond the territory of its enactment. This rule did not interfere with the fugitive slave act, for that contemplated an escape and not the consent of the master.

[1] Letter of Salmon P. Chase to J. T. Trowbridge.

It was believed that the principle of the *habeas corpus* could not be abandoned without a sacrifice of State sovereignty, and an abdication by the State of its highest prerogative, that of protecting its citizens.

As was feared, Rosetta was again arrested by the marshal upon another warrant, and taken before Commissioner Pendery, who heard arguments for and against the claim of her alleged master. The fact was established by the evidence that the Rev. Mr. Dennison had an interview with Rosetta in Columbus in the presence of her guardian and others, and gave her her choice of returning with him or remaining free. When she elected to be free, he formally assented to her decision, and bade her good-bye, saying he should probably never see her again. After this he caused her arrest as a fugitive. His violation of faith, said Mr. Hayes, in "despising his pledged word and suing out a writ that she was a fugitive, was worse than the most ultra fanaticism of those classed as Abolitionists."

> The parol manumission the claimant made of her [Mr. Hayes contended] is good in Ohio, good in law, good in morals (8 Humphrey Reports). A slave court says that acts of manumission may be inferred from the "acts and conduct of the master." The acts of Mr. Dennison at Columbus were impliedly and expressly to the liberation of Rosetta.

The opinion was also cited of a Southern judge of the United States Supreme Court under the law of 1793, whose language is similar to the act of 1850: "If a slave go from one State to another with the consent or connivance of the master, it is not an escape under the fugitive slave clause" (4 Wash. Cir. Reports, 396). The argument fitted the case and its force was recognized by the commissioner and opposing counsel. The girl was discharged from custody, and retained her freedom.[1]

[1] The Supreme Court of Ohio in the case of A. T. Brooks *et al. vs.* The State of Ohio, by Chief Justice Lane, in 1841, decided that a slave brought into the State voluntarily by his owner, became a free man, and any one interfering with him in the enjoyment of his liberty committed an unlawful act.

The popular excitement attending the hearings in the different courts was intense, and an outbreak was feared. The marshal, with the consent of the sheriff, had lodged the girl in the jail, which gave rise to such a feeling of indignation that Mr. Chase, Mr. Hayes and others took measures to test the question whether the jail could be used for the incarceration of persons seized under the fugitive slave act, but before action could be had the marshal removed her. While the hearing was in progress before the commissioner, application was made by Mr. Chase and Judge Walker to the Court of Common Pleas for process in contempt against the marshal, which being granted he was arrested by the sheriff and committed to jail. Judge McLean of the United States Circuit Court issued a writ of *habeas corpus* returnable before him; and after full argument on the facts stated, ordered the marshal to be discharged from imprisonment. He declared that the proceedings of Judge Parker were not only without authority of law, but against law, and he was bound to treat them as a nullity. This decision was generally condemned, and by none more severely than by Mr. Chase. It was evident that the conflict of jurisdiction had reached such an aggravated state that either party might appeal to military power. The sovereignty of the State lay prostrate; the processes of her courts were defied by any petty officer serving under the general government; and her citizens were without protection against the brutal and unlawful acts of such official.

Two weeks after Mr. Chase was inaugurated as Governor, another case attended by tragic circumstances, known as the Garner case, occurred in Hamilton County. On the night of the 27th of January, 1856, seventeen slaves escaped from Boone and Kenton counties, Kentucky, to Ohio. Nine of them found transportation by the "Underground Railroad," and freed themselves. The others sought refuge at the house of a colored man in Storrs township. In this party were Simon Garner and wife, their son and wife and three small children, the property of Archibald K. Gaines. The slave hunters quickly found out their place of concealment and

attempted their arrest. Resistance was made by the younger Garner, and, before an entrance could be effected, Margaret, the mother of the children, with swift decision, and calling upon the grandmother to aid her, attempted to kill her children with a butcher knife, and actually did succeed in killing one. At the inquest held she acknowledged that she killed it, and that her determination was to kill all of the children and then destroy herself rather than to return to slavery and the cruel treatment and personal wrongs to which she had been subjected.

Under a writ of *habeas corpus* returnable before the Probate Judge of the county, the sheriff took the slaves into custody, and conveyed them to the county jail. Meanwhile the judge consulted the Governor and received assurances that the processes of the State should be enforced. He was authorized to say to the sheriff that in the performance of his duties he would be sustained by the whole power at the command of the executive. For some reason, never fully explained, proceedings in the Probate Court under the writ were abandoned, and the sheriff notified the United States marshal that he did not regard the fugitives as in his custody.

The hearing before the United States commissioner was also postponed, and the grand jury having found an indictment against the two Garners and their wives for the murder of the child Mary, they were again taken in custody by the sheriff. The children were considered in the custody of the marshal. A few days later the marshal applied to Judge Leavitt of the United States District Court for a writ of *habeas corpus* against the sheriff for the four persons indicted,

for the purpose of bringing them before him to determine, not whether they were unlawfully deprived of liberty, but whether the sheriff was entitled to their custody under the criminal process of the State rather than the marshal under the slave act commissioner's warrant. It was a manifest abuse of the writ of *habeas corpus*, thus to convert it into a summary replevin; but the counsel for the sheriff, one of whom in conversation with the judge had heard him express the opinion that the prisoners could not be removed from

custody under arrest for crime by any proceeding under the fugitive slave act, made no opposition to the allowance of the writ.[1]

Before the decision of Judge Leavitt, an incident occurred in the Commissioner's Court worthy of notice.[2]

The marshal had excluded colored persons from the court-room, to which the counsel objected as he wished to call witnesses who were of that class. The order of the court to admit them was disregarded by the marshal, who also refused to serve subpœnas for the defendants. The commissioner, in explanation, said that there was no law providing for the subpœnaing of witnesses for the defendants in such cases, but

[1] Warden's *Chase*, p. 348.

[2] Counsel for plaintiff had reflected on Mrs. Lucy Stone Blackwell for visiting Mrs. Garner in the jail. After court adjourned the people in attendance invited Mrs. Blackwell to speak. She said :

"When I came here and saw that poor fugitive, took her toil-hardened hand, and read in her face deep suffering and an ardent longing for freedom, I could not help bidding her be of good cheer. I told her that a thousand hearts were aching for her and that they were glad that one child of hers was safe with the angels. Her only reply was a look of deep despair—of anguish such as no heart can speak.

"I thought then that the spirit she manifested was the same as that of our ancestors to whom we had erected the monument at Bunker Hill—the spirit that would rather let all go back to God than back to slavery.

"The faded faces of the negro children tell too plainly to what degrada female slaves submit. Rather than give her little daughter to that life she it. If in her deep maternal love she felt the impulse to send her child b God, to save it from coming woe, who shall say she had no right to do so? desire had its root in the deepest and holiest feelings of our nature, impl alike in black and white by our common Father. With my own teeth w tear open my veins, and let the earth drink my blood, rather than wea chains of slavery. How then can I blame her? After talking with th slave woman I talked with her master. I told him these were heroic time that this heroic action of his slave might send his name to posterity as h pressor, or as the generous giver of her freedom. He said, 'If I get her b Kentucky, I mean to make her free.'"—Cincinnati *Gazette*, Feb. 28th.

"One touch of nature makes the whole world kin." There are many that would feel a greater pride in sharing the bright red blood that ran thro the heart, bounding for freedom, under the dark bosom of the poor slave moth than that we share in common with the pale faces of some statesmen of the Nort —William M. Evarts, before the New York mass meeting, April 29, 1856.

only for the serving of subpœnas issued by the masters. When accounts for such service were sent to Washington the comptroller had refused to allow them. In the Garner case private parties paid the fees for service for defendants.

Judge Leavitt held that the right of the marshal to the custody of the persons in question must be respected. At the same time he conceded the responsibility of the fugitives for the violation of the criminal laws, and the duty of the State to punish crime committed within its limits. But being in the custody of an officer under a law of the United States before their arrest for crime against the State law, the latter arrest could not be enforced till the disability by the prior arrest was removed. He quoted the opinion of Judge McLean in the Dorr case (3 Howard Rep., 105):

> Neither this nor any other court of the United States, or judge thereof, can issue a *habeas corpus* to bring up a prisoner who is in custody under a sentence or execution of a State court, for any other purpose than to be used as a witness. And it is immaterial whether the imprisonment be under civil or criminal process.

If it be true, added Judge Leavitt, that no federal court could interfere with the exercise of the proper jurisdiction of State court, the converse of the proposition was equally e.[1] Hence in effect, the criminal law of the State could not nforced until after the claim of slavery was fully met, as United States commissioner was sure to return the fugis to bondage. The Garners were all delivered to the mas- who instantly despatched them to Arkansas, on board the

dge McLean's opinion in United States *vs.* Nelson Rector and Smith A. (5 McLean's Reports), is to the same effect. But both decisions seem to con- with his dissenting opinion in the Prigg case. He said: "The slave as a ble and human being, is subject to the local authority, into whatsoever juris- on he may go. He is answerable under the laws for his acts, and he may n their protection. . . . Should the slave commit murder, he may be detained d punished for it by the State in disregard of the claim of the master. Being within the jurisdiction of the State, a slave bears a very different relation to it from that of mere property."

Henry Lewis. When a few miles below Louisville, the steamer was wrecked and Margaret's remaining children were drowned.

Governor Chase issued a requisition upon the Governor of Kentucky, who granted a warrant of extradition, but the fugitives were beyond the bounds of the State. Gaines, at the request of the Governor of Kentucky, subsequently returned Margaret Garner to the Covington jail, but when an officer presented a warrant to the keeper he was told that she had been spirited away. And that was the last ever heard of the poor mother, whose frenzied act thrilled many hearts and multiplied the opponents of the system of oppression.

Other cases of conflict followed. One, known as the "Greene County Rescue Case," set the State aflame. In May, 1857, a deputy-marshal, accompanied by eleven assistants, arrested four respectable and peaceable citizens of Mechanicsburg, Champaign County, "for harboring and concealing" fugitives from Kentucky. The officer refused to exhibit his warrant to the accused or their friends, but as he promised to give them a hearing at Urbana, they did not attempt to evade the summons. Instead of going to the county seat as he had promised, he drove toward Clark County with all possible speed. Meanwhile a writ of *habeas corpus* had been granted by the Probate Judge of Champaign County, under authority of a State statute passed in 1856 for the protection of citizens in such cases, and placed in the hands of the sheriff to serve. When the sheriff overtook the marshal's party they had just crossed the county line, and his jurisdiction ended. Later in the day the sheriff of Clark County undertook to serve a writ, was fired upon, knocked down and most brutally treated by the United States officers, who refused to show the authority under which they were acting. By this time the whole county was alive with citizens in search of the deputy-marshals, whereupon they made a detour into Greene County, where they were finally halted and their prisoners liberated. A warrant was issued by a justice of the peace for the apprehension of the perpetrators of the assault on Sheriff Layton, of Clark County. This warrant was duly executed, and the

prisoners were committed to jail in Springfield. Judge Leavitt issued a writ of *habeas corpus*, directed to the sheriff of Clark County, requiring him to produce his prisoners, which writ was obeyed, and the case came on for argument.

There was a great array of legal ability on both sides. Stanley Matthews, then United States District Attorney, Senator Pugh and Clement L. Vallandigham appeared for the marshals. Attorney-General Wolcott, a lawyer of brilliant promise, and General Mason of Springfield represented the State. The limitations of State and federal authority, the extent of the right to use the writ of *habeas corpus*, were discussed in elaborate arguments, but without influence on the court. Judge Leavitt, notwithstanding it was proved that the marshals had far transcended their duties, had outraged their office, and had obstructed the criminal laws of the State, discharged them, on the ground that being federal officers, and charged with the execution of a federal writ, they had a right to overcome by any necessary violence all attempts made under the process of a State court to detain them or their prisoners even for inquiry into the legality of the custody in which those prisoners were held, and he at once entered upon the work of punishing those citizens of the counties of Champaign, Clark and Greene who had aided the sheriffs in their attempts to execute the processes of the State courts. Hastening events put a period to this sort of persecution.

The conflict of jurisdiction set the lawyers to discussing the questions involved. They engaged in an effort to ascertain whether the State of Ohio—its two millions of people, and its courts—had any rights, weight or influence of any sort, as compared with a United States marshal.

While it was conceded that neither a State nor a federal court could issue injunctions on the process of the other, and that the United States courts could not interfere with the criminal jurisdiction of the State courts, yet we have a United States District Court reviewing the process of the State courts under a criminal charge, going back through half a dozen

different acts, trying all the parties without a jury, and finally winding up with a dissertation on the Union. In the McLeod case before Congress, Mr. Buchanan, on the passage of the bill, said: "You cannot under the Constitution confer upon any Federal judge, or even upon the Supreme Court itself, the power to try the facts involving the guilt or innocence of the accused without the intervention of a jury of the county."

Readers of the *Federalist* will recall Mr. Madison's argument in reply to the objection to the new government that the rights and sovereignty of the States would be overborne by the federal government, in which he expressed the opinion that the balance was much more likely to be disturbed by the preponderance of the State, than of the federal government, based on these five several particulars wherein the former would have the advantage, namely:

> Whether we compare them in respect to the immediate dependence of the one on the other; to the weight of personal influence which each will possess; to the powers respectively vested in them; to the predilection and probable support of the people; to the disposition and faculty of resisting and frustrating the measures of each other.

This theoretical view was accepted in that day, and Mr. Madison and others acting on it regulated their political aspirations accordingly. But time proved that the federal government, instead of being limited to external objects, directly concerned the affairs and prosperity of the people themselves —in coining money, in regulating internal commerce, in the establishment of post-offices and post-roads, in granting patent rights and copyrights, in making bankrupt laws, in the extradition of fugitives, and in meeting the exigencies arising from the expansion of the country—to an extent exceeding the anticipations of the most ardent Hamiltonian. In time the offices and emoluments of the federal government became the chief object of ambition; and the party attachments arising under the federal government influenced State legislation to a greater extent than the reverse. And in this

connection we note a remarkable reversal of party policy. In the attempts of the Democratic party of Jackson, Polk and Pierce to nationalize slavery, we find it abandoning the doctrine of the limited powers of the general government proclaimed by Jeffersonian Republicanism, and concentrating all power in the hands of the agents of that government.

In the cases of conflict of jurisdiction above recited, the sovereignty and independence of the States, as guaranteed to them by the Constitution, suffered such invasion as Mr. Madison had thought altogether unlikely to occur, but sure if it did occur to cause general alarm and to rouse the people of the States to a common resistance. But it proved to be far otherwise. Instead of union there was division. A minority invested with all the powers of the federal government held the majority by the throat.

Judge Leavitt, in the case of the State of Ohio *vs.* The marshals, and Judge Kane, in the case of *ex parte* Jenkins and others, found authority for their decisions in an act that had lain dormant for more than a quarter of a century, which act had been passed to meet an emergency of a different character. In both cases arising under the fugitive slave law of 1850, the marshals were in the hands of the sheriff of the respective States, awaiting their trial by the courts of the State under the charges of assault and battery, and assault or shooting with intent to kill. In both cases they were brought before the Circuit Court of the United States on a writ of *habeas corpus* addressed to the sheriff, and issued under the authority of the seventh section of the act of Congress of March 2d, 1833, entitled "An act further to provide for the collection of duties and imposts," which conferred on any judge of a United States court power to grant writs of *habeas corpus* in all cases of a prisoner committed "for any act done, or omitted to be done, in pursuance of a law of the United States, or any order, process or decree of any judge or court thereof,"—power conferred expressly to meet the nullification of South Carolina.

In both cases under consideration the sheriff returned, "That

he held the parties by virtue of a warrant from the State courts to await their trial upon the charges alleged against them." In both cases the court went back of the return and of the warrant, and examined whether the marshals were guilty of the offence charged, or whether they were justified in their acts by the process which they held, and in both cases they were discharged. Did the federal judges err in their decisions in these cases? Did the act of Congress of 1833 vest the federal courts with jurisdiction of this inquiry? The origin of the act is notorious. Its intent was plainly to protect the federal officers from prosecution under any *unconstitutional* law of the States making it penal for them to discharge their duties under the federal government. But neither Pennsylvania nor Ohio made "any act done or omitted to be done in pursuance of a law of the United States, or any order, process or decree of any judge or court thereof," a crime the subject of an indictment. Nor was such an act within the meaning of an assault and battery with intent to kill, as defined by the laws of either of those States. The question involved was one of fact as to the guilt or innocence of the marshals of an offence against the State. On this point the author of an *Examination* reflected the sentiment prevalent at the time. He said:

> It is an essential requisite of every crime, that it is an act not "enjoined or justified by the law of the land." And if it was the intention of this seventh section of the law of 1833 to vest the United States courts with the power, and to impose upon them the duty, to hear evidence, and determine that question, as far as relates to the federal laws, in regard to every alleged offence against the peace and order of the State, then, indeed, "it is transferring legislative power to the judiciary, and vesting it with almost unlimited jurisdiction; for, where is the act that might not in some distinct manner be connected with the Constitution or laws of the United States?" Every petty official, from the postmaster to the President, nay more, every citizen of the community (for the terms of the act are general), is entitled to have his cause examined in the federal courts before he can be tried for an alleged offence against the State. If this be

true, better had the States abandoned at once the execution of their criminal laws into the hands of the federal authorities. If it be true, then this section of an act "better to provide for the collection of duties and imposts" went far beyond the necessities of such a case as it was professedly intended to meet; and the language of the section, instead of being in those broad and general terms that would ordinarily be used in conferring such a power, is singularly inadequate for such a purpose.

The discussion touched not only upon State sovereignty, but upon the inquiry, What was the nature of the common-law writ of *habeas corpus?* Judge Leavitt, adopting the language of counsel for the marshals, charged the Legislature of Ohio with the perversion of the reverence due to the writ, "in the application of that sacred name to another and different writ, that of *homine replegiando*, because, forsooth, in certain instances the writ was directed to the sheriff of the county, instead of the parties charged with the unlawful custody." "But, surely," said the author of an *Examination*, in reply, "that is a greater perversion of the writ, a greater violence in the use of language, which calls that a writ of *habeas corpus* which seeks to change the whole scope and purpose of that bulwark of liberty."

No doubt [concluded our author] it is an unfortunate condition of affairs, and a cause of regret to every good citizen, that there should ever exist a general spirit of resistance against any law, from the people among whom it is to be executed; and the necessity of applying force in such cases is always to be deprecated. But a resort to the exercise of illegal powers will never constrain the obedience of a free people. It is unwisely sought, therefore, by the friends of the federal supremacy, to stretch the jurisdiction of the federal courts, under a mistaken idea that it is necessary to meet the exigencies of this case. Let the trial of parties charged with offences against the laws of the State go forward in the State courts, and if the validity of any statute, or authority exercised under the United States, be drawn in question or denied, their decision will be subject to revision by the courts of the United

States. If otherwise, and if, unfortunately, any innocent person should be found guilty by the oaths of twelve of his fellow-citizens, he will not suffer without advantage to his country; better so, than that we should all lose our birthright. It has been said that "the blood of the martyrs is the seed of the church," and the blood of political martyrs may yet prove the seed of liberty. It is far better, therefore, for the federal authorities to suffer, than to occasion such a martyrdom. "*Nam in omni certamine, qui opulentior est, etiamsi accipit injuriam, quia plus potest, facere videtur.*"

Governor Chase, in his annual message to the Legislature, referred to these cases of conflict, and to the decisions of Judge Leavitt with special emphasis. He said:

This principle cannot be sound. It subverts effectually the sovereignty of the State. It asserts the right of any District Judge of the United States to arrest the execution of State process, and to nullify the functions of State courts and juries, whenever in his opinion a person charged with crime under State authority has acted in the matter forming the basis of the charge in pursuance of any federal law or warrant. No act of Congress in my judgment sanctions this principle. Such an act, indeed, would be clearly unconstitutional, because in plain violation of the express provision which requires that the trial of all crime shall be by jury.

It is deeply to be regretted that collisions of this kind should occur. The authorities of Ohio have never failed in due consideration for the constitutional rights of a federal court, nor will they thus fail. But they cannot admit without dishonor, that State process is entitled to less respect than federal, nor can they ever concede to federal rights or federal officials a deference which is not conceded to those of the State. If such conflicts must come, to the extent of the power vested in me, I shall maintain the honor of the State and support the authority of her courts.

The views of the Governor were applauded, and the circumstances which had aroused public feeling beyond any previous experience enabled him to reorganize the militia system of

the State (an object he had much at heart) none too soon, for a grave emergency was at hand.

The State of Wisconsin went further than Ohio in the direction of nullification. Sherman M. Booth, who had been convicted in the District Court for aiding and abetting the escape of a fugitive slave from the United States deputy-marshal, and sentenced to imprisonment besides being fined, was released upon *habeas corpus* by the Supreme Court of the State. Then upon petition of the Attorney-General of the United States, Chief Justice Taney allowed a writ of error to issue to bring the judgment of the Supreme Court of Wisconsin before the United States Supreme Court to correct the error of judgment. Thereupon the Supreme Court of the State directed its clerk to make no return to the writ of error, and to enter no order upon the records of the court concerning the same. The Supreme Court of the United States met this contumacy by ordering the certified copy in possession of the Attorney-General to be entered on its docket, and then proceeded to review the case the same as if it had come before the court with the concurrence of the Supreme Court of Wisconsin. Chief Justice Taney declared that the supremacy of the State courts over the courts of the United States in cases arising under the Constitution and laws of the United States, was for the first time asserted and acted upon in the Supreme Court of Wisconsin. The danger to the peace of the country was pointed out. This opinion was pronounced March 7, 1859. Twelve days later the Legislature of Wisconsin adopted a series of resolutions condemning the assumption of jurisdiction in this case by the federal judiciary—reaffirming the doctrine of the Virginia Resolutions of 1798, and declaring that the principle and construction contended for by the party ruling the councils of the nation led to despotism; "since the *discretion* of those who administer the government, and not the *Constitution*, would be the measure of their powers."

One would be far wrong to infer from this particular disapproval of the high-handed measures employed in the enforcement of the fugitive slave act a willingness on the part of any

considerable portion of the people to forcible resistance. The conviction was general that the new party would be put in the wrong by any such course—that no cause is strong when its votaries transcend the law—that all violence is evil and self-destructive.[1]

[1] John G. Whittier on the Boston riots of 1854.

CHAPTER VIII

CONVENTIONS OF 1856 — "BLEEDING KANSAS" — ELECTION OF BUCHANAN

AS the time approached for the assembling of the national convention of the Democratic party at Cincinnati, Mr. Buchanan contemplated his release from his diplomatic office with ill-concealed impatience. He complained of the dilatory course of the administration.[1] When at last word reached London that the mission had been tendered to Mr. Dallas, his joy bubbled over.[2] He believed the presidency to be within his reach at last after years of candidacy, if he could exchange London for Wheatland. He was too old a politician not to estimate rightly the serious character of the difficulties which confronted the President in his canvass for a second term, and he felt sure of the support of Virginia, the real leader of Southern policy. And yet, in his personal correspondence he affected a coyness becoming a neophyte in politics.[3]

Mr. Buchanan made a most respectable figure at the British court, sustaining the American character at all times with admirable dignity and independence. But he was leaving at a time when the relations between the two countries were strained, when war was being discussed as a possibility, and without having settled the dispute about Central America, which was the chief object of his mission. Before accepting the appointment himself, he had freely criticised the diplomacy

[1] Letters of January 18th and 25th to William L. Marcy. *Life*, vol. ii.

[2] *Ibid.*, Feb. 15th.

[3] *Ibid.* Also letter to Governor Bigler, Feb. 12th.

of Mr. Webster and Mr. Clayton, which he said had involved our relations with England in serious difficulty "by departing from the Monroe doctrine." [1] Yet he failed to extricate his country from the alleged false position, or to justify the criticism that Mr. Webster and Mr. Clayton had blundered in their treaties. As to the particular question entrusted to him, have not the contentions of the American government, in the controversies between the two governments since the execution of the Clayton–Bulwer treaty, sustained Mr. Clayton's interpretation of the principal clauses? The treaty had its origin in the acquisition of California, which made the opening of interoceanic communication of the first importance to our people. In 1846, a right of transit was secured by treaty with New Granada, under which the Panama railroad was built by American capitalists. Later a treaty was entered into with Nicaragua for the construction of a ship-canal by way of the Lake of Nicaragua, but the Atlantic coast being occupied by immigrants from Jamaica, and by the Mosquito Indians, over whom Great Britain exercised a protectorate, that government declined to withdraw its pretensions, but united in a treaty for a joint protectorate over the canal. It was further agreed that neither party should occupy, or fortify, or colonize, or assume, or exercise any dominion over any part of Central America.[2] The United States government has contended that this required Great Britain to withdraw from these possessions, while the latter has held that it merely prohibited the making of new acquisitions. The language of President Monroe was that "the American continents should no longer be subjects for any new European colonial settlement." But while the spirit of this doctrine has been observed by our government under all parties, in its

[1] Letter to General Pierce, Dec. 11, 1852.

[2] Wharton's *Digest of International Law*, chap. vi., sec 150 *f.* In 1884, Mr. Frelinghuysen, Secretary of State, served notice on Great Britain that the United States held the treaty to be void, her Majesty's government having persistently violated the agreement. In 1894, the relations to the Mosquito Indians were again under consideration, and complications with Nicaragua had to be adjusted.

diplomacy, it has never been imprudent enough to attempt the rôle of universal arbiter, or to appeal to force as against Great Britain.

There was much bellicose talk on both sides of the Atlantic, as the Crimean war was nearing its close; the British fleet in American waters was largely increased, and a state of panic ensued which reduced values and threatened serious disturbances in the finances and commerce of both countries, for which the newspapers were chiefly to blame. While Americans were terrifying themselves with anticipations of fearful commercial disasters from the embarrassment of the banks of France and England, and possible suspension of specie payments,[1] the British were under the wildest excitement, "occasioned by an anticipated outbreak of war with this country, into which England was to be forced by the insolence of our government, the marauding disposition of our people, by our aid to Russia and our invasion of Ireland."[2] Agents of the British government were found in several of the leading cities of the United States, from Boston to Cincinnati, engaged in enlisting recruits for the army in the Crimea, in violation of our neutrality laws. The actual enlistment took place at points in Canada and Nova Scotia, but the purpose was clearly understood when the recruits left their homes. It was an evasion of the laws. When Henry Hertz and E. C. Perkins, agents in Philadelphia who had been arrested, were on trial before Judge Kane, the complicity of Mr. Crampton, British minister at Washington, was so well established that our government demanded his recall.[3] This occasioned great irritation in England, where it was felt that the apology made to

[1] The British government authorized the suspension of the Bank Charter Act, during the panic of 1857, so far as to allow the bank directors the power to strengthen the banking department by recourse to the reserves of the issue department. The Bank of France found it necessary also to increase its capital.—*Brit. Encyclopædia*, art. "Banking."

[2] New York *Times*, Nov. 16, 1855.

[3] "The American government have dismissed Mr. Crampton, United States minister, who is gone to Toronto, which is rather alarming."—*Diary of the Earl of Malmesbury*, June 5th.

our government by the British was ample for the offence; but the apology, said John Bright, was like the verdict of a jury expressed in this wise: "The man is not guilty, but we hope he will never do so any more."

"The Thunderer" more nearly expressed the vexation of Lord Palmerston than his own organ the *Morning Post*. It declared that England's error was due to assurances of the sympathy of the United States in her defence of Turkey against Russian aggression. "There was no Power," said the *Times*, "from which she received assurances of support more hearty, more satisfactory and more spontaneous than from the United States of America." These assurances were received from the American minister in London, who, it was said, on one occasion expressing apprehension as to the durability of the alliance with France, went so far as to add that Great Britain need be under no apprehension on that account, "for the United States were willing to make our quarrel their own, and aid us with thousands of stout hearts and brawny arms, as ready to pluck down the despotism of the East as to subdue the wilderness and level the giant forests of the West."[1]

While this undoubtedly misrepresented Mr. Buchanan's conversations with Lord Clarendon, there is curious confirmation of the *Times*' charge in Mr. Buchanan's private memorandum-book in which are set down the reasons he gave to Lord Clarendon for objecting to a *projet* for a treaty making it piracy for neutrals to serve on board of privateers cruising against the commerce of the parties to the treaty. The language of the sixth reason is almost as strong as that attributed to Mr. Buchanan by the *Times*. It is as follows:

> The time may possibly come when Great Britain, in a war with the despotisms of Europe, might find it to be exceedingly to her interests to employ American sailors on board her privateers, and such a treaty would render this impossible. Why should she unnecessarily bind her hands?[2]

[1] London *Times*, Nov. 16, 1855.

[2] *Life*, vol. ii., p. 129.

This was twelve days before war was declared against Russia. What more natural than for the British government to infer that sympathy which the *Times* alleges? At any rate that paper declared that the English government believed it real and acted on that belief.[1] Unhappily it soon became apparent from the philo-Russian tone adopted by nearly the whole American press, that the American minister and the British government had alike mistaken the disposition of the people of the United States. There was a wild state of excitement for a time. It was rumored that Mr. Buchanan would be served as had been Mr. Crampton, while it is certain that the tone of the English cabinet was belligerent. "This country is on the eve of a war with the United States," the Liverpool *Journal* declared, "unless public opinion is brought to operate immediately on her Majesty's ministers."

Public opinion was brought to bear on the controversy by the substantial men of England in a way not to be misunderstood. John Bright then, as in later years, the friend of America, before a great audience at Manchester, deprecated war and arraigned the English government in severe and caustic language which was heartily cheered.[2]

When the portents of war had vanished, the London *Times* repeated its charge that Mr. Buchanan was responsible for the misunderstanding between the governments.

We have not forgotten how adroitly he kept alive the quarrel with England which Lord Clarendon strove so earnestly to terminate, not from any wish to involve the two countries in war, but because

[1] "Was it unlikely, *a priori*, that a nation whose noble boast it is that her soil is the chosen abode of Freedom, whose every citizen is a missionary against the creed of despotism, should warm to a generous enthusiasm at a war waged for no selfish motive, but to curb barbarous insolence? . . . We do not think so: and therefore, unfortunate as the result has been, we cannot blame our ministers that, in their urgent need of men, they sought to avail themselves of the resources of the West."—London *Times*, Nov. 16, 1855.

[2] "We have a right to demand from our rulers, what is the meaning of this hasty despatch of ships—these angry diplomatic notices—these sudden indications of war."—London *Morning Chronicle*.

he saw, or fancied he saw, from the continuance of the dispute an electioneering advantage to himself.[1]

While discharging his diplomatic function, Mr. Buchanan kept in touch with home politics through intimate friends. He was in the confidence of the Virginians, who had early determined on their course in the Cincinnati convention, and he was prepared to meet the overtures of his old enemies in Pennsylvania, who had been brought into line with wonderful tact by John W. Forney and other friends.[2] Public demonstrations followed his arrival at New York in the spring, which created a good deal of uneasiness at Washington. When the national convention assembled at Cincinnati on the 2d of June, 1856, there was a good deal of enthusiasm in the air for Douglas, but in the convention the real contest was between Pierce and Buchanan. The latter was represented by solid delegations from Pennsylvania, Virginia, Delaware, Louisiana and Indiana, strong backing from New York and Ohio, and by Senators Slidell, Benjamin, Bayard and Bright, whose personal influence in the party was never greater than at that time. Pierce had the support of the office-holders, and divided with Douglas the illusory gratitude of some of the Southern States. The contentions of the New York factions occupied the attention of the convention for two days, and were finally settled by the admission of equal representation. The majority report of the Committee on Credentials proposed

[1] London *Times*, Oct. 29, 1856, in which the editor more particularly describes Mr. Buchanan's character: "He is a thorough-paced demagogue and unscrupulous partisan, and though unexceptionable in private life, has grown gray among all manner of intrigues and manœuvres."

[2] Forney was made chairman of the State Central Committee, and conducted the campaign with masterly skill. The State convention, held at Harrisburg March 4th, was something like a Methodist experience-meeting—the front seats were reserved for Buchanan's old enemies, who confessed their sins with great volubility. See pamphlet edited by James B. Sheridan, pp. 1–90. In a letter (Feb. 12th) to Gov. Bigler, Mr. Buchanan facilitates the work of reconciliation: "When we meet again, let us meet as though no estrangement had ever existed between us, and it shall not be my fault if we should not remain friends as long as we both may live."

to give to the Softs headed by Horatio Seymour representation based on their greater numerical strength in the State; but Senator Bayard adroitly met this by reciting the inconsistent record of the Softs and holding up to the admiration of the convention the staunch orthodoxy of the Democracy of the Hards. The fact could not be blinked that as recently as in August of the previous year the Softs had in convention at Syracuse declared "their fixed hostility to the extension of slavery into free territory," and denounced the "subversion of the rights of the *bona-fide* settlers of Kansas by armed borderers"; and although later they had recanted, would it be right to punish a loyal section of the party for maintaining their principles with fidelity at the expense of diminished votes, and to reward with increased powers a section which faltered in allegiance? The convention, by a close vote, decided that it would not be right, and adopted the minority report. Mr. Bayard declared that if the Softs had adhered to their Syracuse platform they would have been excluded from the convention at Cincinnati.

The Hards voted for Buchanan and the Softs for Pierce until after the withdrawal of his name, when they voted for Douglas. The latter might have prevented the casting of a two-thirds vote for Buchanan, and thus have defeated his nomination, but he magnanimously instructed his supporters when it was demonstrated that he could not be nominated, to cast their votes for his opponent. At no time was Douglas's strength sufficient to control the action of the convention in any particular.[1] The ticket was completed by nominating

[1] "A consultation was held at my house, the evening before the meeting of the convention, and it was evident that if the New York delegation, represented by Mr. Dean Richmond and his associates who were known as the 'Softs,' secured seats, that the nomination of Mr. Douglas was inevitable."—Letter of S. M. Barlow, of New York, to Geo. T. Curtis, *Life of Buchanan*, vol. ii., p. 171.

If there were no other evidence to refute the statement of Mr. Barlow, the fact that the Softs voted for Pierce until his name was withdrawn on the fifteenth ballot would be sufficient. The result of the contest was foreshadowed when on the sixth ballot Tennessee cast a solid vote for Buchanan. The South would not trust Douglas and his squatter-sovereignty policy which meant their defeat.

for Vice-President John C. Breckinridge of Kentucky, who had already won some distinction in the House as the representative of the Ashland district.

The platform of principles may not be dismissed with a word, as it bears an important relation to the history of the time. It was the joint product of four remarkable men—Benj. F. Hallett of Massachusetts, Pierre Soulé of Louisiana, Clement L. Vallandigham of Ohio and Wilbur F. Storey of Michigan—skilful in the use of language in the exposition or concealment of ideas, bold in political conceptions, but able and adroit in arousing and appealing to party prejudices and in directing public sentiment. The most distinctively party resolutions of all previous Democratic platforms were reaffirmed; the repeal of the Missouri Compromise was endorsed, and the "right of the people of all the territories acting through the legally and fairly expressed will of the majority of the actual residents, and whenever the number of their inhabitants justifies it, to form a constitution," was recognized. It will be seen later on that while this was an endorsement of Douglas's doctrine of "popular sovereignty," it contained a qualification which shortly proved a bone of contention in the factional warfare.

The concluding resolutions, however, more distinctly marked the progressive purposes of the Democratic party as the instrument of the slavery propagandists to make the principles and compromises of the Constitution cover the Union as they hoped to remodel it by extending its limits to embrace Cuba and the Central American states bordering on the Gulf of Mexico. This extension would surely accomplish what they had failed to accomplish in the invasion of Mexico,—it would readjust the whole balance of power in the Union, so as to give the South control over the operations of the government in all time to come.[1]

Europe has not forgotten [said the London *Times*[2]] the unseemly spectacle of the Congress of Ostend, when the representatives of

[1] Charleston *Courier* in 1844.

[2] October 29, 1856.

America in Europe met together, under the presidency of Mr. Soulé, to hold a conference on the best manner of attacking the governments of friendly states and acquiring the lands of weaker powers.

The Democratic party placed in nomination for President one of the diplomats who signed the Ostend menace, and another embodied in the platform of that party, adopted with manifestations of enthusiasm by its delegated representatives, the same principles. These briefly expressed were: That Cuba in the possession of Spain seriously endangered the internal peace and the existence of our cherished Union; and that sympathy should be extended to the people of Central America engaged in regenerating that portion of the continent.[1] To this end the next administration was instructed to take such measures as would insure our ascendancy in the Gulf of Mexico.

This was raising a false issue, as in the case of Texas, in confident expectation that the new administration would employ whatever means were necessary to the end. This expectation was stimulated to enthusiasm when Mr. Buchanan on being notified of his nomination, after the formal interview, remarked in the presence of the whole audience that, if he could be instrumental in settling the slavery question on the principles of the Kansas-Nebraska act, and then add Cuba to the Union, he "would be willing to give up the ghost and let Breckinridge take the government." "Could there be a more noble ambition?" asks the distinguished Southerner who describes for us the interview, and who, to quiet any apprehensions of his compatriots, adds: "In my judgment he is as worthy of Southern confidence and Southern votes as Mr. Calhoun ever was."[2]

During the winter of 1855–6, disquieting rumors reached

[1] The accepted meaning of "regenerating Central America" was more concisely than elegantly expressed by a prominent Democrat of Pennsylvania, in a letter to Jefferson Davis: "I should like to go to Nicaragua and help open it to civilization and niggers." The barbarians of Nicaragua excluded slavery.

[2] Letter of A. G. Brown, of Mississippi, to S. R. Adams, June 18, 1856. Pamphlet, pp. 1–24.

Mr. Seward of a movement having for its purpose the nomination of presidential candidates by a fusion convention on the Ohio plan. It did not meet his approval. He protested against any combination with Know-Nothings, as likely to divert public attention from the real issue.[1] The persistence with which a fusion was advocated by active Republicans doubtless influenced his decision not to permit his name to go before any convention.

At this time the Republican party was without national organization. The name had been adopted in some of the States, but the victories won in 1854 and 1855 had been won by Whigs, Free Democrats and Americans under the banner of anti-Nebraska. Any plan that would keep these together was practical opposition to the administration and to slavery extension. The prolonged contest for Speaker which resulted in the election of Nathaniel P. Banks, Jr., afforded an opportunity for consultation and for a full discussion of plans for the overthrow of Democracy. Francis P. Blair was brought into the scheme, and became the Nestor in the work of organization. The success met by Thomas L. Spooner and Thos. H. Ford in holding the Americans to the support of Mr. Chase in the gubernatorial campaign encouraged the belief that fusion could be effected on a more extended theatre. It was finally decided to call a meeting at Pittsburg, to be held during the same week in which an American convention would sit in Philadelphia.[2]

The first National Republican Convention which convened at Pittsburg on the 22d of February, 1856, was not a delegate convention as now understood, nor strictly speaking a Republican party convention. It was a meeting for conference in which men not classed as Republicans participated. The new party was not organized in Illinois[3] and other Northern States

[1] *Seward at Washington*, vol. ii., p. 264.

[2] The call for the convention was signed by the chairmen of the Republican committees of Ohio, Massachusetts, Pennsylvania, Michigan, Vermont and Wisconsin.

[3] An organization was effected at Bloomington May 29th, when Col. W. H. Bissell was nominated for Governor.—Nicolay and Hay, vol. ii., chap. ii.

until after this Pittsburg meeting. There were persons present from all of the Northern and from eight Southern States, and large numbers from Ohio, New York and Pennsylvania, among whom were several representative Germans, heretofore seen only in Democratic meetings. The delegates were not only representative men, but leaders already distinguished in old party organizations. Edwin D. Morgan, Preston King and Horace Greeley attended from New York; Joshua R. Giddings, Charles Reemelin, Judge Brinkerhoff, Rufus P. Spalding, W. H. Gibson, R. B. Hayes and William Dennison from Ohio; Zachariah Chandler and Governor Bingham headed a Michigan delegation of the men who had already effected a revolution in the politics of that State; George W. Julian attended from Indiana and John C. Vaughan from Illinois.

Francis P. Blair, who had been delegated by a meeting of Baltimore merchants to confer with the Republican leaders, was made permanent chairman. His participation created a sensation, and was symptomatic of political tendencies.

On taking the chair, he said:

> Very few delegations are with us from the Southern States, for the people of the South think this is an association intended for the abolition of slavery in the slave States; but when they understand that its object is to prevent a nullification of the rights of the North, you will find a very different feeling, and there will be a response from the South that will astonish the North itself.

This sanguine prediction, although destined to the fate of other airy fabrics, gave rise to a feeling of satisfaction and of bright anticipation, for the Republicans were anxious to convince the South that their disclaimer of any purpose to interfere with the domestic institution in the States was made in perfect good faith, and that their principles were both national and constitutional.[1]

[1] A letter from Chief Justice Hornblower of New Jersey was read, which contained this specific declaration: "I could act harmoniously with no party that would by Congressional legislation or by any violent or revolutionary conduct attempt to interfere with the municipal regulations of any State that chooses to

Let the North ask nothing but what is clearly right [continued Mr. Blair], and submit to nothing that is wrong, and it cannot fail to bring the quarrel to an honorable termination. . . . The repeal of the repealing clause of the Kansas-Nebraska act would be the *finale* of all the existing commotions and of the eager ambition which originated them. If this single line is inscribed on our flag we shall conquer under it. It will be the Union flag.

Impressed with the wisdom of this suggestion, the convention ignored individual predilections. There was a contest among the Ohioans between the conservative and radical elements which terminated in the selection of Mr. Dennison instead of Mr. Giddings to represent the State on resolutions and address. The platform avoided all issues upon which there could be any marked difference of opinion among the people of the free States, and kept to the front the great issue of slavery extension, the overthrow of the sectional oligarchy, and confining the general government to the limitations and restrictions of the Constitution.

The proceedings were interrupted to have read the following telegram which requires no explanation:

PHILADELPHIA, Thursday.

The American party are no longer united. Raise the Republican banner. Let there be no further extension of slavery. The Americans are with you.

THOMAS SPOONER.

As Mr. Reemelin announced the adherence of the majority of German citizens to the principles of the new party of freedom, the act of the lion and the lamb may be said to have been performed at the Pittsburg convention, which possesses great historical importance. Its proceedings were characterized by a display of dignity, sincerity of purpose and moderation worthy of a great party which was here founded. The address to the people of the United States, whose publication soon followed, prepared the way for the national delegate

retain and cherish the institution [of slavery] within its own territorial limits." This sentiment generally prevailed in the North, and was the sentiment of the Republican party.

convention which convened in Philadelphia June 18th, and nominated John C. Frémont of California for President and William L. Dayton of New Jersey for Vice-President.

"The nomination at Philadelphia," wrote Mr. Seward, "I hope will not disappoint its inventors." [1] Its wisdom was doubted by many early anti-slavery men and by many Whigs. It was strenuously opposed by the Pennsylvania delegation headed by Thaddeus Stevens, who declared that the only man who could carry the Keystone State against a Democrat was John McLean, and it was thought that the result of the presidential election would turn on her electoral vote. It was believed that the old Whigs in the American party would vote for him in preference to any other, and that the conservatives generally would be pleased with his nomination. The anti-slavery element distrusted Judge McLean—unjustly, for they did not give due weight to his responsibilities as a conscientious judge in interpreting the law and the Constitution. With a view to reconcile this class to Judge McLean, in May, Samuel Galloway, Governor Pennington, Samuel A. Purviance, William Cumback and other members of Congress addressed a letter to Judge Leavitt, inquiring if Judge McLean had made any suggestion to him in relation to his decision in the Margaret Garner *habeas corpus* case. Judge Leavitt replied that Judge McLean was in Washington when that decision was made and had no part in it. This correspondence did not change the current. The Free Democrats preferred Mr. Chase. But there was a disposition to give the new party for a candidate a young man who was free from political complications. This was urged by Mr. Blair and Mr. Greeley with so much earnestness and shrewdness as to capture the masses. In April it was reported from several States that the Frémont movement was going like a prairie fire.[2] The Germans were

[1] Letter of June 19th.

[2] *The Life and Times of Samuel Bowles*, vol. i., p. 172. "I accept my full share of responsibility. I felt that Col. Frémont's adventurous, dashing career had given him popularity with our young men especially."—Greeley's *Recollections of a Busy Life*, p. 354.

displaying a good deal of enthusiasm for the adventurous explorer, and now that a majority of the German papers of the country had repudiated Democracy and espoused Republican principles—even two or three in the South—this important element could not be overlooked in any estimate of political forces.[1] The informal ballot in the convention showed the unmistakable purpose of the new party to ignore the claims of experienced leaders. There were 359 votes cast for John C. Frémont and 196 for Judge McLean.

Having selected a Democrat for the first place, the convention proceeded to nominate a Whig for Vice-President. The preference of the friends of Judge McLean was regarded, and William L. Dayton of New Jersey, a statesman of tried ability and high character, was chosen. Abraham Lincoln, his chief competitor, received 110 votes, but for him Fate had in store a grander destiny.

Before the meeting of the national conventions, a prolonged and animated debate had taken place in the Senate on the complicated affairs of Kansas, during which party politics received a large share of attention. On the 4th of April, Mr. Douglas with masterly tact brought into view the dissensions and conflicting counsels inside of the anti-Nebraska opposition. The Republicans were pledged:

To oppose "the admission of any more slave States";

To repeal the fugitive slave law;

To abolish the slave trade between the States;

To prohibit slavery in the District of Columbia;

To restore the Missouri Compromise;

To acquire no more territory unless slavery should be first prohibited.

There were rumors afloat, said the Illinois Senator, that the Republicans were about to strike their colors; to retire all the

[1] See Cincinnati *Volksblatt*, edited by Stephen Molitor; the New York *Abend Zeitung*, then edited by the erudite Herman Raster; and the Chicago *Staats Zeitung*, edited by Herman Kreisman. The Southern papers were: the St. Louis *Anzeiger des Westens*, the New Orleans *Deutsche Zeitung*, and the San Antonio *Zeitung*.

bold men who had distinguished themselves in fighting the anti-Nebraska fight, and to take a new man, who, in consequence of not being committed to either side, would be enabled to cheat somebody by getting votes from all sorts of men; that in pursuance of this line of policy the committees in the House of Representatives were not allowed to introduce bills to redeem Republican pledges and promote party principles; that no bill was to be permitted to pass in the fusion House to repeal the Kansas-Nebraska act, or the fugitive slave law, or to carry out any of the principles upon which a majority had been secured by a fusion with Northern Know-Nothingism. Addressing himself particularly to Mr. Seward, the acknowledged head of the opposition, Mr. Douglas said he trusted there would be no lowering of the flag, no evading or dodging the issue, that each party would stand by its principles and the issues as the Republicans had presented them, and that there would be a fair, bold fight before the people on which their verdict should be pronounced. Mr. Seward assured the Illinois Senator there should be no lowering of the flag, no dodging of issues.

What was the conclusion of the whole matter? The rugged issues as presented above, which had been pressed to the front by general agreement of anti-slavery men of all parties in the North, were retired for the more prudent counsel of Mr. Blair, which met with favor at the Pittsburg convention Feb. 22d. The call had been addressed "to the people of the United States, without regard to past political differences or divisions," who were opposed to the repeal of the Missouri Compromise, to the policy of the Pierce administration, and to the extension of slavery into free territory. This embraced thousands who were opposed to the repeal of the fugitive slave act, to meddling with the interstate slave trade or with slavery in the District. There was no resolution in favor of repealing the Kansas-Nebraska act, but in lieu thereof a broad declaration that the Constitution confers upon Congress sovereign power over the territories of the United States for their government, and that in the exercise of this power it was both the

right and the imperative duty of Congress to prohibit in the territories "those twin relics of barbarism—polygamy and slavery." The platform arraigned the administration for the condition of civil war in Kansas, to cure which its immediate admission under the Topeka constitution was demanded; a railroad to the Pacific was recommended; river and harbor improvements approved of; and the Ostend circular denounced as unworthy of American diplomacy. At the instance of Mr. Giddings, a resolution was adopted reaffirming the Declaration of Independence in graceful phraseology; and to reassure the German recruits, as well as in recognition of the opinions of Mr. Seward, Mr. Greeley, Mr. Julian and others who disapproved of the principles of the Know-Nothings, this further declaration was added, from which there never has been any departure: "Believing that the spirit of our institutions, as well as the Constitution of our country, guarantees liberty of conscience and equality of right among citizens, we oppose all proscriptive legislation affecting this security."

There was something about restoring the government to the principles of Washington and Jefferson, but as these exhibit sharp antagonisms, of which the people in general were supposed to be ignorant, each one was left to construe this to suit his preconceived notions.

Mr. Seward's declaration that this was "a complete Seward platform"[1] is hard to reconcile with the colloquy between him and Mr. Douglas, and with the advanced views expressed in his speeches. But undoubtedly a certain amount of Mark Tapleyism is essential in the make-up of a political leader.

The mid-winter convention of the American party at Philadelphia had been stormy and resulted in a rupture. The action developed the strength of anti-slavery sentiment in the Northern States, for the convention expunged the famous twelfth

[1] "The truth is that it was intended to have the platform silent on the American question; but to have the nominations represent a coalition of Republicans and Americans (ignoring my principles for this time). But Dr. Bailey's protest, through Mr. Giddings, prevented tnat, and now we have a complete Seward platform, with new representative men upon it."—*Seward at Washington*, vol. ii., p. 279.

section of the creed adopted in 1855, which declared the purpose of the American party "to abide by and maintain the existing laws upon slavery as a final and conclusive settlement of that subject in spirit and in substance," which denied to Congress any power under the Constitution to exclude a State, and which opposed all legislation upon the subject of slavery either in the territories or the District of Columbia, and adopted another, the whole object of which was to dodge the subject of controversy. This attitude of neutrality produced a division.[1] The Southern section nominated Millard Fillmore for President, and Andrew J. Donelson of Tennessee for Vice-President. The Northern delegates nominated Nathaniel P. Banks, but on his declining they followed him into the Republican party.

The small and respectable Whig party remaining in the country met at Baltimore, September 17th, and endorsed the nominations made by the Southern American party. It condemned geographical parties and expressed the conviction that the restoration of Mr. Fillmore to the presidency would furnish the best if not the only means of restoring peace.

The nomination of Frémont was received with great satisfaction throughout the North, and as the campaign progressed the enthusiasm became unprecedented. The romantic incidents of his career—his birth, his expulsion from a college that afterward gave him his degree, his experience as a teacher of mathematics, his services as assistant engineer in the topographical corps, his explorations with Jean Nicolas Nicollet on the head waters of the Mississippi, his clandestine marriage with the brilliant and accomplished daughter of Colonel Thomas H. Benton, his hazardous explorations for scientific purposes in that *terra incognita* the Rocky Mountain regions

[1] The Ohio delegation, headed by Lieut.-Governor Ford, Joseph H. Barrett of Vermont and delegates less conspicuous from other Northern States, signed a protest against the platform of the American party, "holding the opinion that restoration of the Missouri Compromise demanded by the freemen of the North, is a redress of undeniable wrong and the least indispensable to the repose of the country."

and on the Pacific coast, his dashing expedition to California and connection with the admission of that Spanish province into the American Union,—these supplied the topics of conversation in social life and became the themes of public speakers and of the press. Frémont's judicious utterances at this time deepened the favorable impression. Before midsummer the Democrats showed signs of alarm, while the Republicans were sanguine of success.[1] "I am not apt to be very sanguine," wrote John G. Whittier, "but I certainly have strong hopes of Frémont's election. I think I see the finger of Providence in his nomination. It appeals to all that is good and generous in Young America. It touches the popular heart."[2]

The drift toward Republicanism was accelerated by the violence displayed in behalf of a political policy that had for its purpose the intrenchment in control of the government of a minority representing principles repugnant to civilization, repugnant to the progressive spirit of the Republic. In the Senate Chamber on the 22d of May freedom of speech and the sovereignty of Massachusetts, represented by her distinguished Senator, Charles Sumner, were violently assailed by Preston S. Brooks, a representative of South Carolina. Mr. Sumner had occupied two days in the delivery of a speech of great power on the Kansas question, and towards the close in reply to repeated personal assaults on himself had spoken in language of great severity, but within parliamentary rules and without being called to order, of the course of Senators Mason, Douglas and Butler, the last of whom was absent. Two days afterwards, while Mr. Sumner was writing at his desk after the adjournment of the Senate, he was accosted by Brooks, who immediately struck him upon the head with a heavy cane, and repeated the blows many times after the Senator had sunk to the floor insensible, exhausted and covered with his own blood. The assailant was accompanied by his colleague Keitt, who, fully armed, interposed to

[1] *Seward at Washington*, vol. ii., p. 279.

[2] *Life and Letters*, by Samuel T. Pickard, vol. i., p. 386.

prevent any interference.[1] The Democratic majority of the Senate pleaded want of jurisdiction; while in the House, a motion to expel Brooks having failed for lack of the requisite two-thirds vote, a resolution of censure was adopted, whereupon he and Keitt resigned. They were promptly re-elected and were honored with much attention by their party. Even the editor of the administration organ in Boston and the collector of that port, on their way to the Cincinnati convention, dined in a friendly way with Brooks. And John Scott Harrison, representative of the Second District of Ohio, who had been elected on an anti-Nebraska ticket, spoke on the floor of the House in exculpation of the knight of the bludgeon.

While this scene of violence was being enacted in the Capitol, another part of the same act of the drama of human wrong was in progress on the plains of Kansas. An army of border ruffians, armed with rifles and cannon, were sacking and destroying the town of Lawrence, and thus was civil war fairly inaugurated. Emerson's fine burst before the citizens of Concord, referring in particular to the assault on Sumner, covers the whole case: "The events of the last few years and months and days have taught us the lessons of centuries. I do not see how a barbarous community and a civilized community can constitute one state. I think we must get rid of slavery, or we must get rid of freedom."[2] We shall see what a commotion this sentiment made later when employed by political leaders.

The new party attracted the young men as a party advocating living principles, while the romantic career of its leader exhibited deeds of endurance and perseverance worthy of emulation. He was not only "the Pathfinder of the Rocky Mountains," but one of the founders of a new State rescued from the grasp of the slaveholder; adventurous, too, in the pursuit of science. Enthusiasm was infectious. Elizabeth Whittier expressed the admiration of her sex when she de-

[1] Keitt on the floor of the House denied active participation in the assault, but the evidence was against him. Mr. Edmondson, who was also present, took no part.

[2] Speech in Concord, May 26, 1856. *Works*, vol. xi.

clared that Frémont was her hero of years, and that his wild ranger life had had the greatest charm for her.[1]

Almost the entire college and school influence of the North; the distinguished men of letters whose fame was world-wide, —Longfellow, Emerson, Lowell, Motley, Whittier, Curtis, Bryant, Dana, Holmes,—and the most influential part of the press, were all enlisted in the cause and were recognized as the authoritative leaders of public opinion. The ministers continued to be divided into two classes: one class holding with Dr. Arnold that it was the duty of the Church "to put down all moral evil, either within the body or out of it"; the other that all political questions should be excluded from the pulpit; that to discuss the question of slavery was to breed uncharitableness and manifold other evils, to increase the hardships of those in bonds and to endanger the Union. The first class was betrayed by its zeal into exaggeration and misrepresentation of the state of slavery, while the other, sustained chiefly by the mercantile and commercial interests, was led to defend the institution as a moral one, and to uphold the administration in its efforts to fasten it upon Kansas.

The support of Frémont was spontaneous. The campaign, which was one of the most animated ever known, was carried on by the people, who freely gave of their time and money and constituted their own committees without thought or expectation of reward. The public feeling found expression, not in rollicking songs, as in 1840, but in more serious verse which was set to music and sung at all important gatherings. This from one of Whittier's lyrics will serve as an illustration:

Sound, sound the trumpet fearlessly!
Each arm its vigor lending,
Bravely with wrong contending,
And shouting Freedom's cry!

The Kansas homes stand cheerlessly,
The sky with flame is ruddy,
The prairie turf is bloody
Where the brave and gentle die.
Sound the trumpet stern and steady!

[1] Letter to Lucy Larcom, June 19, 1856.

Sound the trumpet strong and high!
Country and Liberty!
Freedom and Victory!
These words shall be our cry,—
Frémont and Victory!

The nullifying speech of Fillmore[1] was rebuked by General Sam Houston, the hero of Texas, who declared that if Frémont were elected he should give him the same support as any other man elected under the Constitution. Throughout this whole controversy Houston displayed qualities of statesmanship and patriotism unapproached by any other Democrat. On one occasion he declared that if "the Union must be dismembered" he "prayed God that its ruins might be the monument of his own grave." He advocated always a policy of toleration and freedom of discussion. His courage, fairness and intelligence endeared him to Sumner and other Northern leaders. The New York *Evening Post* commended his Boston speech, and declared that his policy was a basis on which the North and the South could permanently unite.

If the Republican party was a sectional party, as charged by Democratic leaders, so was the Democratic party in the opinion of many Southern Whigs. The Republican party, said one, could claim to be a national party with as much reason as the Democratic, which expected its chief if not entire support from the South.[2] "Mr. Frémont is the candidate of the North against the South; Mr. Buchanan is the candidate of the South against the North," said Mr. Underwood

[1] Mr. Fillmore was travelling in Europe when he was nominated by the American party. On his return there were popular demonstrations in his honor at New York, Albany and Buffalo. At Albany he said: "We see a political party, presenting candidates for the presidency and vice-presidency, selected for the first time from the free States alone, with the avowed purpose of electing these candidates by suffrages of one part of the Union only, to rule over the whole United States. Can it be possible that those who are engaged in such a measure can have seriously reflected upon the consequences which must inevitably follow in case of success? *Can they have the madness or the folly to believe that our Southern brethren would submit to be governed by such a chief magistrate?*"—*Mr. Fillmore at Home.* Pamphlet, pp. 1–24.

[2] Speech of Mr. Ready, of Tennessee, Aug. 6, 1856. App., *Cong. Globe.*

of Kentucky, who added that this war of the sections was the danger of the hour.[1] The mischievous speech of Mr. Fillmore found echo throughout the South in the press and upon the rostrum and in the halls of Congress. The election of Frémont would justify a dissolution of the Union.

The violence and intolerance grew apace. Mr. J. C. Underwood of Virginia, an intelligent farmer who cultivated his eight hundred acres with free labor, exercised the rights of a freeman and attended the Republican convention at Philadelphia. He was notified by a committee of his neighbors that if he returned his life would be forfeited, and his wife was given a brief space to join him. They became exiles. So also did Prof. R. S. Hedrick of the State University of North Carolina. He declared his approval of the principles of the Republican platform which he said were the principles of the most distinguished Southern statesmen of earlier days. He sustained his position with much ability, but to no other end than to be made a martyr to his plea for toleration. "The expression of Black Republican opinions in our midst," wrote the editor of the Raleigh *Standard*, "is incompatible with our honor and safety as a people. We take it for granted Professor Hedrick will be promptly removed." Judge Thompson, of the Brooke Circuit of Virginia, in a charge to the grand jury, gave a new definition of treason to meet the political conditions of the presidential campaign—to cover the acts and opinions of all who denied the right of property in slaves, who published their opinions, advocated the election of Frémont, or who uttered seditious language calculated to bring about a spirit of insubordination for the overthrow of the existing order of things. "Any internal action," said he, "or external movement which sets up a state within the State is a usurpation. It is treason under any definition of treason which has been given, or which exists in any civilized country."[2] This tyrannical charge did not pass unchallenged in Virginia, and

[1] *Ibid.*, Aug. 5th. See also fifth resolution of Whig platform adopted at Baltimore, Sept. 13th.

[2] Richmond *Enquirer*.

even the judge's impeachment was recommended. "Far better would it be," said the Petersburg *Intelligencer*, "for the man Frémont to be elected by acclamation, than that the damnable doctrines of Judge Thompson should prevail." [1]

Brooks, hero of the bludgeon, at an ovation given in his honor at Ninety Six, said that he had been a disunionist from the time he could think, and that the only mode left to the South was "to tear the Constitution of the United States, trample it under foot, and form a Southern confederacy," which sentiment was received with tumultuous applause.[2] In a short time Brooks, as a Representative, repeated the act of perjury by taking the oath to support the Constitution. But he did not stand alone.

The most extraordinary utterance, however, at this time, was an editorial in the Richmond *Enquirer* advising immediate secession upon the election of Frémont.[3] A constitutional administration was admitted to be a possibility, but possession of the government would give an immense advantage to the Northern interest.

> If secession be delayed until overt acts of aggression are committed on the South it must be attended with bloodshed—for overt aggressions will not be attempted until preparation is made to use force. If Mr. Frémont's election be accepted as a declaration of war, and the South secede immediately, in all human probability the war will proceed no further than the declaration. By prompt secession we will close the avenues of federal corruption and save our people from influences to which no people, however virtuous, should be subjected.[4]

[1] John Tyler expressed the opinion that there were 20,000 citizens of Virginia who preferred Frémont for President rather than Buchanan. They were, however, under the tyranny of local opinion and did not openly risk their homes as did Mr. Underwood. See *Letters and Times of the Tylers*, vol. ii., p. 531.

[2] Charleston papers.

[3] October 6th.

[4] This view as to policy was also that of John Tyler. "To await the inauguration is to find ourselves under the guns of every fortification, and our trade at the mercy of our enemies. It is, therefore, the dictate of prudence that the Southern

Extreme views were not confined to the South, although more widely prevalent there. The small circle of non-voting Abolitionists were more active than ever in propagating their opinions. To Governor Gardner's recommendation that the personal liberty statute be either repealed or modified, the *Liberator* entered a vigorous protest. The law went as far, perhaps, as Massachusetts could go while she remained a member of the Union. But, added the *Liberator*, "she never ought to allow a human being, claimed as the property of another, to be put on trial at all. Therefore, that she may no longer be bound in any manner by this 'covenant with death and agreement with hell,' we reiterate our battle-cry—'No Union with slaveholders.'"[1] Massachusetts, said Wendell Phillips, was the brain of the Union and furnished it with ideas. During the twenty-five years of conflict the greatest service rendered to freedom was the unmasking of the bastard republic. "We have brought truth to reveal the riot that was all about us."[2]

A disunion convention was called to meet at Cleveland, October 28th, and although postponed by the advice of wise counsellors, the fact that such a convention was called in the North caused alarm.

George Ticknor declared that he had not witnessed so bad a state of things for forty years. Everything was in the hands of the disunionists of the Atlantic States at the two ends of the Union, each faction seeking by its violence to bring about a separation of the States.[3]

The South is very desperate. Its people feel every year, more and more, how they are wasting away under the blighting curse of

States should understand each other at once."—*Letters and Times of the Tylers*, vol. ii., p. 532.

The rushing tide was to fetch in more than independence. A writer in *DeBow's Review* for August argued strongly in favor of a dissolution of the Union for the express purpose of reopening the African slave trade.

[1] *Liberator*, Jan. 11, 1856.

[2] *Liberator*, Jan. 9, 1857.

[3] "Our Southern politicians are not up to our Southern people in distrust and dislike of the North. The feeling is bitter and impulsive in the popular mind, and many bad men are slyly hurrying on the collision."—Letter of Henry A. Wise, Aug. 15, 1856. *Letters and Times of the Tylers*, vol, ii., p. 531.

slavery, and struggle like drowning men to recover some foothold on solid ground. The North, justly outraged by the assault on Sumner, and by much that has happened in Kansas, loses, for a time, both patience and wisdom, so that I hear "fighting the South" constantly talked of as a thing not to be deprecated.[1]

The majority of the people, however, he believed to be still sound on the great question, and he looked to the West, where the tension was less, to save the Atlantic States from the madness of civil war.

Conservative men engaged in business, and especially those of Whig antecedents, were becoming alarmed and were consulting as to the means to employ to stay the rising tide of sectionalism. W. C. Rives of Virginia thought that law-and-order meetings ought to be held, and an appeal made to the virtuous and intelligent masses of the people; that the government ought to be called upon to exert all its constitutional powers, "whether legislative, executive or judicial, to repress civil war, not merely in its overt acts, but in its incipient and preparatory movements."[2]

The chief object of the Constitution was to establish a more perfect union, to produce concord and community of feeling among the States and to combine their energies for great national purposes. Alienation would defeat this grand object and lead eventually to forcible rupture. A great stride would be made towards moral disunion if the stronger section should triumph over the weaker.[3] A government thus established would appear to fifteen States an alien government; nay, worse, it would appear a hostile government.

It would represent to their eyes a vast region of States, organized upon anti-slavery, flushed by triumph, cheered onward by the voices of the pulpit, tribune and press; its mission to inaugurate freedom

[1] *Life*, vol. ii., p. 297.

[2] *National Intelligencer*, June 20, 1856. Letter dated Castle Hill, Va., June 10th, and addressed to Hon. Rob't C. Winthrop.

[3] Speech of Washington Hunt from the steps of the New York Exchange building, Oct. 10, 1856.

and put down the oligarchy; its constitution the glittering and sounding generalities of natural rights which make up the Declaration of Independence. And then and thus is the beginning of the end.[1]

Therefore was it not the duty of all patriotic men to strike at this portentous party, to defeat and dissolve it? This view carried Rufus Choate and other old Whigs of New England and James B. Clay and other Kentuckians into the Democratic party, as the contest was clearly between Frémont and Buchanan, and they believed that the latter only represented the sentiment of nationality,—tolerant, warm and comprehensive, —without which America were no longer America. What if events proved that they did not comprehend the nature of the disease, and that they mistook the remedy, shall not their motive be respected?

And after all the very marrow of the political controversy was expressed by the highest Southern authority when it declared that aggressive action by the South was limited to a struggle on her part "to preserve an equality with the North in a single branch of Congress, while she was hopelessly inferior in the other."[2]

The management of the canvass was able and freer from personal abuse than usual. The Republicans were at a disadvantage in Pennsylvania and New Jersey, where several anti-Nebraska speakers of prominence, on assurance given by Mr. Buchanan that if elected he would see that the people of Kansas had fair play, were canvassing for the Democratic ticket.[3] They could get up no such enthusiasm as swept over the other Northern States. The Democratic committees were liberally supplied with money. They could not prevent a fusion of opposing parties in Pennsylvania on a State ticket, but they succeeded better in New Jersey. They induced a few Whigs to put up a second presidential ticket—Commodore Stockton and Kenneth Rayner being the candidates—and this was worked in

[1] Letter of Rufus Choate to E. W. Farley, *et al.* Pamphlet, pp. 1–8.
[2] Charleston *Mercury*, Feb., 1856.
[3] *Anecdotes of Public Men*, by John W. Forney, vol. ii., p. 239.

the interest of Mr. Buchanan.[1] In Ohio it was developed that the Democratic managers were paying to keep the Fillmore electoral ticket and American county tickets in the field.[2] Until the October States voted it was confidently expected that Frémont would carry every free State except California and New Jersey. In Pennsylvania the Democrats had only a narrow margin of three thousand votes, but as they had carried Indiana also, the drift was unmistakable.

Buchanan escaped defeat only by the exertions of the men who accepted his promise that he would settle the conflict in Kansas by protecting the free-State immigrants. The size of the vote cast by the recently organized party[3] notified all that it was a permanent and aggressive force. The significance of this was comprehended by leaders of Southern sentiment. "The Northern people in this election," said the Charleston *Mercury*, "have declared themselves a distinct people, with principles and purposes essentially and permanently at war with our safety and equality in the Union." And the advice was given to form combinations and shape events so as to bring about as speedily as possible a dissolution of the federal Union and the establishment of a Southern confederacy.[4] The four years of Buchanan's administration were employed for this purpose. The President opened the way December 3d, in a message which was a malignant diatribe, falsifying political history as a basis of a libel upon one half of the people of the country.[5] This was encouragement for what was to follow.

[1] "My friend Stockton so plays his cards in New Jersey as to prevent any fusion, and thereby insures the plurality vote to Buchanan."—*Letters of John Tyler*, vol. ii., p. 534.

[2] Cincinnati *Gazette*, Oct. 9th.

[3] The popular vote was: Buchanan, 1,838,169; Frémont, 1,341,264; Fillmore, 874,534. Buchanan lacked nearly 400,000 votes of a majority. The electoral vote was: Buchanan, 174; Frémont, 114; Fillmore, 8. Maryland cast her vote for Fillmore. The rest of the Southern States, and Pennsylvania, New Jersey, Indiana, Illinois and California voted for Buchanan.

[4] The reference is to remarks made by ex-Senator Rhett.

[5] Senator Collamer, whose masterly review of political history in reply to the President holds the first place for matter and manner in the debates of the Thirty-fourth Congress, regarded the message as "the ebullition of an impotent sort of

The indifference of the President to the tyranny exercised by subordinate officials, creatures of the bogus Legislature of Kansas, over the lives and property of people emigrating from the free States is one of the most remarkable features of this conflict. The Governor of Ohio laid before the General Assembly of that State letters and affidavits received from Kansas showing the unhappy condition of several hundred worthy people who had left Ohio to find new homes. Many of their number had been killed, many robbed, and all had been subjected to grievous indignities and injuries. They had appealed in vain to the federal government for protection. Governor Chase sent money, contributed by private beneficence, for their immediate relief, and recommended State aid.

These representations [added he] cannot be properly disregarded. As an equal member of the confederacy, Ohio is entitled to demand for her citizens emigrating to the territories, free ingress and egress by the ordinary routes, and complete protection from invasion, from usurpation and from lawlesss violence. If the general government refuse this protection, *I cannot doubt the right or the duty of the State to intervene.*[1]

rage on the part of a disappointed, ambitious man . . . worthy of no particular notice, except that it was endorsed by the authority of the highest executive of the government."—App., *Cong. Globe*, Dec., 1856, p. 49.

The legal argument of Judge Trumbull was also notable.—*Cong. Globe*, 3d Session.

Senator Pugh made an ingenious and elaborate reply to Trumbull and Collamer in defence of the President.—App., *Cong. Globe*, p. 57.

[1] Message of Governor Chase, Jan. 5, 1857.

CHAPTER IX

THE DRED SCOTT DECISION—THE ADMINISTRATION AND KANSAS — JOHN BROWN'S RAID

THE benevolent tone pervading the inaugural of the new President was the expression of an honest wish for a cessation of political strife and the restoration of cordial good-will between the sections. But when the chosen of the people comes to government with right disposition, he should be armed with firmness, and resolve with courage to hold his course uninfluenced by faction. Standing for the whole people, with an eye single to righteous judgments, he should distinguish between honest differences resulting from a conflict of ideas, and the heats of party passion driving to a selfish or corrupt goal, regardless of consequences. Unfortunately Mr. Buchanan was devoid of the great qualities of leadership. His soul was plastic, his disposition to trim and to gratify those who possessed his confidence. One cannot imagine him pursuing any course with "matchless fortitude."

The substitution of squatter sovereignty in place of national sovereignty served as an *experimentum luciferum* in disclosing the exact nature of the sectional antagonisms and of the motives of men engaged in the game of politics. In political society there is no constant law of sequence as in the physical world, but changes result from manifold influences whose relations to one another are difficult to determine. This is because the truth does not lie upon the surface. The fair face of the deed is no certain indication of the motive within. The poets of antiquity ascribe the cause of the Trojan war to the

injury done to Menelaus by Paris, in the abduction of Helen. The imagination is fired by the romantic incident, and passes by the only adequate explanation derivable from the wealth and power and ambition of Agamemnon. If good people were misled by the plausible reasons assigned for the abrogation of a contract, that this abrogation extended the principle of self-government to the territories where the majority should rule as they ruled in the States, and that it banished the agitation of the question of domestic slavery from the halls of Congress forever and confined it within narrow limits,—if they accepted for a time as sincere these specious reasons, they were soon undeceived. The crimes committed with the consent, if not by the procurement, of the administration, developing into civil war, revealed, as surely as in the case of Agamemnon, the real motives of the authors, fired by ambition for the possession and augmentation of power.

Had Mr. Buchanan failed to comprehend the Kansas complications? Did not the removal of Governor after Governor, each appointed for his faithful party record, suggest the paramount influence of evil machinations against the peace of the people of Kansas? In explanation it may be said that at the time of his inauguration there was a fair promise of peace. The latest of the Governors—his friend, John W. Geary—during the progress of the presidential canvass, had succeeded in reassuring the settlers that after all they would receive protection. Governor Robinson and other free-State prisoners who had been seized and confined for months on a charge of constructive treason devised by Judge Lecompte were discharged and remained unmolested. But Geary himself resigned an office in which he could not remain without sacrificing his manhood and all sense of justice.

Had Mr. Buchanan shifted his position? It is certain that the language used in his inaugural was a surprise to Mr. Douglas and others. He said that a difference of opinion had arisen in regard to the point of time when the people of a territory should decide the character of their institutions for themselves; though it had ever been his opinion that, under the Kansas-

Nebraska act, the appropriate period would be when the number of actual residents in the territory should justify the formation of a constitution with a view to its admission as a State into the Union. Here he accepted the view held by the Southern wing of the Democratic party, as had been his invariable practice in his long political career. During the canvass, however, he had written a letter which favored Douglas's squatter-sovereignty theory, for which he had been promptly rebuked by Governor Wise of Virginia.[1] The Democrats of that commonwealth and of the other commonwealths in the league to make slavery national or to form a Southern confederacy, repudiated the idea that the people of a territory could make what laws they pleased—if such laws excluded slave property. This difference split the Democratic party in twain. Douglas had, even as Jason seeking the golden fleece, repeated the act of Cadmus, and, despite his strenuous and patriotic efforts later, from the ground where the dragon's teeth had been sowed armed men sprang up and fell foul of one another.

Mr. Buchanan's inaugural revealed the further fact, that the Supreme Court had undertaken to determine the question when a people might fix the status of their institutions—had undertaken, as the sequel showed, to throttle squatter sovereignty. This was the final stroke in that policy which sprang from the brain of Calhoun,—the last play as it proved within the federal Union. The legislative and executive branches of government had been brought to the support of the political theories of the South, and now, at last, the judicial. A decision by the court of last resort would permanently weld the bonds. That even this failed to accomplish what had confidently been expected, but served rather to increase the dissensions, was due to the character of the decision, and not to a lessening of respect for law, or to shaken confidence in the wisdom of that provision of the Constitution which established the Supreme Court.

Two days after the inauguration the decision foreshadowed

[1] Henry A. Wise to Robert Tyler, July 6, 1856.—*Letters and Times of the Tylers*, vol. ii., p. 530.

by Mr. Buchanan was pronounced. Party feeling carried political leaders and writers so far as to move them to asperse the President and the court on the assumption that he had been privately advised of the character of the decision in advance of its delivery.[1] The cruel injustice of this criticism is established by facts now accessible. While these make it improbable that there was any improper confidence between the President-elect and the court, they leave some member or members open to the charge of having communicated to an outsider the attitude of the court months in advance of the delivery of the decision, and of having withheld the decision in order not to jeopardize the election of Mr. Buchanan. The private correspondence of Alexander H. Stephens, since published, reveals the influences at work in those years to secure a pronouncement from the Supreme Court favorable to the new Southern dogma. December 15, 1856, he writes:

I have been urging all the influence I could bring to bear upon the Supreme Court to get them to postpone no longer the case on the Missouri restriction before them, but to decide it. If they decide, as I have reason to believe they will, that the restriction was unconstitutional, then the question—the political question,—as I think, will be ended, as to the power of the people in their territorial Legislatures. It will be, in effect, a *res adjudicata*.

On the following New Year's day, referring to the hearings in the Dred Scott case before the Court, he says further:

The decision will be a marked epoch in our history. I feel a deep solicitude as to how it will be. From what I hear, *sub rosa*, it will be according to my own opinion on every point, as abstract political questions. The restriction of 1820 will be held to be unconstitutional. The judges are all writing out their opinions, I believe, *seriatim*. The Chief Justice will give an elaborate one. Should this opinion be, as I suppose it will, squatter sovereignty speeches will be on a par with liberty speeches at the North in the last canvass.[2]

[1] See New York *Tribune* and other papers of the day, and speech by W. H. Seward, March 3, 1858.

[2] Johnston and Browne's *Life of Alex. H. Stephens*, pp. 316–318.

The decision in the Dred Scott case was truly a marked epoch in our history, from which we reach the inevitable conclusion that all of the triumphs of the aggressive South were

> Like to the apples on the Dead Sea's shore,
> All ashes to the taste.

Dred Scott had been taken by his master, Dr. Emerson, an army surgeon living in Missouri, to the military post at Rock Island and afterward to Fort Snelling, then in that part of the territory of Wisconsin which was originally a part of the Louisiana Territory, and had married there with the consent of his master. After several years Dr. Emerson returned to Missouri, where Scott brought suit in the local court of St. Louis to recover the freedom of himself and his family. The decision of the court, following numerous precedents, was in his favor. The master appealed to the State Supreme Court, which reversed the judgment of the court below.[1] Later, in 1853, on being sold to John F. A. Sandford, a citizen of New York, Scott sued for freedom in the United States Circuit Court. The decision of the court was against him, and the case went up on appeal to the Supreme Court.

It was decided informally to limit the opinion to the particular circumstances of Dred Scott, which would have been in a word to affirm the judgment of the court below. But in another conference, doubtless upon the suggestion of Mr. Stephens referred to above, Mr. Justice Wayne proposed that the Chief Justice should write an opinion on all of the questions argued before the court.[2] The justification is given in the language of Justice Wayne: "The case involves private rights of value, and constitutional principles of the highest importance, about which there has become such a difference of opinion that the peace and harmony of the country required the settlement of them by a judicial decision."[3] The final opinion of the

[1] 15 Missouri Reports.

[2] Letter of Judge J. A. Campbell to Samuel Tyler, Nov. 24, 1870. *Memoir of Roger B. Taney*, p, 384.

[3] 19 Howard.

court was, that Scott being of African descent was not a citizen of Missouri in the sense in which that word is used in the Constitution; and that the Circuit Court of the United States, for that reason, had no jurisdiction in the case, and could give no judgment in it. Then the court went out of its way to get at the political questions agitating the country, which had been in argument before the court—an exercise of judicial power, said Mr. Justice Curtis in his dissenting opinion, transcending the limits of the authority of the court, "as described by its repeated decisions." Thus did the Chief Justice reach the question, whether it be competent for the Congress of the United States, directly or indirectly, to exclude slavery from the territories. The court decided that it could not. And thus was the Missouri Compromise declared invalid, the reasons being that one of the constitutional functions of Congress was the protection of property; that slaves had been recognized as property by the Constitution, and that Congress was bound to protect, not to prohibit, slavery in the territories. Mr. Calhoun's view had finally received the sanction of the Supreme Court.

The dissenting opinions of Justices McLean and Curtis were regarded of so much importance, as so powerful in exposition of the political history of the United States and of constitutional principles that they were published in the press and in pamphlet form and widely circulated. Public feeling in the Northern States at once declared against the opinion of a court, a majority of whose members were slaveholders, and became quite as intense as on the occasion of the repeal of the Missouri restriction. Senator Seward and other party leaders and great lawyers like Fessenden were almost savage in their criticisms of Chief Justice Taney and his associates, while eloquent panegyrics rewarded the two dissenting Justices.

I am entirely satisfied with the opinion of our member of the court [wrote Rutherford B. Hayes to a friend], not only because of its strength as a legal argument, but because it is in harmony with the enlightened sentiment of the North and justifies those who

vouched for the soundness of Judge McLean's views when his name was used in connection with the presidency. The opinion of Justice Curtis takes a wider range, and is, perhaps, more forcible as an argument and more graceful in diction. Coming from a Whig, from a lawyer chosen on the advice of Mr. Webster for appointment to the court, the weight of its influence in the present controversy cannot be overestimated. The structure reared by the Chief Justice with infinite pains is speedily demolished by a few powerful blows from Curtis. His tone at times is almost contemptuous.

Justice McLean meets the specious argument of the court, that the latest decision of the Supreme Court of Missouri settles the law of that State, and that it is the Missouri law that determines the status of Dred Scott and family, with clever tact by quoting the language of Justice Grier in Pease *vs.* Peck: "When the decisions of the State court are not consistent, we do not feel bound to follow the last, if it is contrary to our own convictions." For twenty-eight years, the decisions of the Supreme Court of Missouri were consistent on all of the points made in this case, and adjudged the freedom of the slave on being carried into free territory. Scott was legally free in Illinois, legally free at Fort Snelling, which was within territory that, by act of Congress,[1] had been subjected to the provisions of the Ordinance of 1787, and for a dozen years after his return to Missouri under the uniform decisions of the courts of that State was entitled to his freedom, and would have secured it if he had publicly demanded it. Having the same rights of sovereignty as the State of Missouri, Judge McLean could see no reason why the institutions of Illinois should not receive equal consideration. Why should not liberty be considered in any hearing of the case as well as bondage? Judge McLean has fortified every position. He gives correctly the meaning of Congress in reviving the Ordinance of 1787,[2] and certainly interprets the opinion of Chief Justice Marshall in the Florida case to the approval of my judgment. Chief Justice Taney's mind was so befogged that he failed to grasp the

[1] Act including Upper Louisiana within the territory of Wisconsin.

[2] The preamble to the act of 1789 reviving the Ordinance, is the key to unlock the meaning of the act.—*Historical and Legal Examination*, etc., by Thomas H. Benton. This book of 193 pages is perhaps the most effective, and, upon the whole, most satisfactory of the reviews of the opinion of the court as pronounced by Chief Justice Taney.

full force of the language of his great predecessor, which in effect was that the power in Congress was unquestioned. The right of government was the right of sovereignty. Hence in legislating for the territories "Congress exercises the combined powers of the general and State governments." The court in the case of Dred Scott limited the scope of the word *citizen* by a number of inferences. Justice Curtis restores it to its full meaning by citing historical facts. The force of these is irresistible.

The Northern people regarded the political points in the decision of the court as *obiter dicta*, and as having no claim on their acquiescence. They not only did not acquiesce, but they became assailants in the political warfare that continued with great fury, and they were carried by their feelings to unjustifiable lengths.

The first important duty that confronted Mr. Buchanan was to provide a successor to Governor Geary. He determined on a new policy, which was auspiciously begun by removing Secretary Woodson. The character and experience of the men selected for Governor and Secretary confirmed the impression that had gone abroad that the President had determined to bring about a permanent peace. Robert J. Walker of Mississippi, who had served creditably in the United States Senate, and who won distinction as Secretary of the Treasury, was prevailed on to accept the office of Governor. He did so on condition that General Harney should be stationed in the territory with an ample military force, and that his policy should be the submission of the constitution to be formed by a future convention which the bogus territorial Legislature had provided for, to a vote of the *bona-fide* inhabitants. Frederick P. Stanton of Tennessee, who had served ten years in Congress, and was gifted with courage and a high sense of honor, was made Secretary. These Southern men shared in the opinion prevalent in their section, that the free-State settlers were turbulent and inimical to a settled order of society, and they entered upon the duties of their office with this feeling of prejudice, which, however, was speedily dissipated when they ascertained the true condition of affairs.

Governor Walker submitted the draft of his inaugural to the President and to Senator Douglas, and it was approved by both. In it he made the explicit declaration that, unless the convention submitted the constitution to the vote of the actual resident settlers, at an election fairly and justly conducted, the constitution would be and ought to be rejected by Congress. The Governor endeavored to persuade the free-State party to vote for delegates to the constitutional convention, promising his protection, but they were not ready to yield their policy of non-conformity. What the Governor succeeded in accomplishing was the defeat of the radical purpose to put the Topeka plan in operation, and in establishing cordial relations with the moderate free-State members of the community. As Kansas could not be made a slave State, he hoped to secure its admission to the Union as a Democratic State. No attempt was made by the officers charged with that duty to obtain the census or registration in several of the interior counties, an omission that could not be corrected by the secretary, and yet 9250 votes were registered. The free-State settlers refraining from voting, the result of the balloting showed that only about one-fourth of the whole number of registered voters represented the pro-slavery interest. But the election was peaceable and in conformity to the law. The constitutional convention met in September, organized and then adjourned to October 19th, to await the election of a territorial Legislature and delegate to Congress, authorized to take place October 5th.

The free-State men wisely concluded to change their policy and to participate in this election. They had been urged to do this by Governor Chase and other Republican leaders in Ohio, New York and New England, as well as by Governor Walker. The Governor stationed troops at several different points to prevent any interference with the balloting by outsiders, with the happiest results. For the first time there was a fair trial of strength. The free-State men elected a majority of both branches of the Legislature, and a delegate to Congress by a majority of 4089 votes. The poll stood: Parrott, the free-

State candidate, 7888 votes, and Ransom, the Democratic candidate, 3799 votes. The defeated party, however, unwilling that the new State officers should be without the means of reversing the popular verdict, provided a poll-book from the notorious precinct of Oxford containing what purported to be a return of 1628 votes; and also a return of 1200 from McGee County. These returns if counted would change the political complexion of the Legislature. The Governor and Secretary rejected these fraudulent returns and gave certificates to the free-State candidates as shown to be elected by the regular returns. In a proclamation they said:

> The consideration that our own party by this decision will lose the majority in the legislative assembly does not make our duty in the premises less solemn and imperative. The elective franchise would be utterly valueless and free government itself would receive a deadly blow, if so great an outrage as this could be shielded under the cover of mere forms and technicalities.

This honest and fearless discharge of duty ought to have been an inspiration to the whole country. It was commended in the Northern States, but it caused a feeling of constraint in official circles at Washington, and fed the flame of censorious criticism which had burst forth as soon as Governor Walker's fair intentions were made public.

The convention on reassembling proceeded to form a constitution adapted to a condition of slavery, but failed to submit it to a vote of the people. The slavery question was to be submitted to a qualified vote December 21st. By a cunning device every vote for or against slavery would be counted as a vote for the constitution. "It makes me think of a man," said Senator Wade, "who built a hog-pen up in our country once, and the rails were so crooked and winding, that when his hogs got through and thought they had got out, as they wound along they came right in again."[1] If the people said "constitution with slavery," that gave them slavery without

[1] *Plain Truths for the People*, speech of Senator B. F. Wade, March 13 and 15, 1858. Pamphlet, pp. 1–16.

limitation—it never could be done away with. If they voted "constitution without slavery," an unsophisticated man might suppose he had got out of the pen, but the fact was it twisted him right in where he was before.

The President thought the plan just and reasonable as in either event the rights of property in slaves were preserved. But the wit of Senator Wade showed the Lecompton scheme in its genuine light. It provided a qualification that controlled the vote if cast, or secured its rejection if the citizen was an honest, conscientious man. For the first time in the history of this country, or of any country, a test oath—an oath to support the fugitive slave act—was instituted as a prerequisite to the right to vote. And yet because the conscientious citizens of Kansas would not stultify themselves they fell under condemnation of the President. He never had any qualms of conscience where slavery was concerned. The qualification was a most palpable violation of republican principles, and the refusal to submit the whole constitution to a vote was a violation of the doctrine of popular sovereignty and of the pledges of the Democratic party to secure to the people of the territory the privilege of self-government in its broadest sense.[1]

When the one-sided returns were received, John Calhoun, the president of the convention, announced the adoption of the constitution, and transmitted a copy to the President. Meanwhile the people besought Secretary Stanton, acting Governor during the absence of Governor Walker, to convoke the Legislature in special session in order that steps might be taken to protect them against the Lecompton constitution. Mr. Stanton complied, but the just act cost him his office. He was promptly removed by the President at the instigation of the minority. When the Legislature convened, provision was made to submit the whole of the constitution to a vote of the people January 4, 1858, the day appointed for the election of State officers and a State Legislature. At this election the pro-slavery party abstained from voting on the constitution, but

[1] Speech of Senator Douglas, Dec. 8, 1857, on the President's message. *Life*, pp. 314–324.

voted for State officers. The constitution was rejected by a vote of 10,226 to 162.

This overwhelming repudiation made a profound impression on the country and on Congress. But Mr. Buchanan came up smiling to the support of the rejected instrument. On the 2d of February he transmitted the Lecompton constitution to the Senate, with a recommendation that Kansas be admitted under it. The accompanying message was an elaborate defence of the wrongs by which under the forms of law the majority of the citizens of Kansas had been deprived of their rights, treating them as in rebellion against lawful authority. He declared with great satisfaction that the sectional difference had been settled by the decision in the Dred Scott case—that "it has been solemnly adjudged by the highest judicial tribunal known to our laws that slavery exists in Kansas by virtue of the Constitution of the United States"—that "Kansas is at this moment as much a slave State as Georgia or South Carolina."

This action of the President precipitated an extraordinary debate in which the leading men of both branches of Congress participated; and which again roused the people of the North to protest against the consummation of a wrong, with such effect as to render it impossible for the administration to secure a majority for the Lecompton constitution in the House. The bill reported from the Committee on Territories by Senator Green to admit Kansas under the Lecompton constitution passed the Senate by a vote of 33 to 25—Bell and Crittenden, Americans, and Broderick, Douglas, Pugh and Stuart, Democrats, voting with the Republicans in the negative. During the debate Mr. Crittenden, who had opposed the Lecompton measure, introduced a new bill to provide for a resubmission of the consitution to a vote of the people, and, in case of its rejection, for the election of delegates to a new convention to form another constitution, which he supported in a speech of great power. It was voted down by the administration majority. When the debate opened in the House this proposition was introduced as a substitute to the Senate bill with slight modifications by Mr. Montgomery, and was passed by a vote

of 120 to 112—twenty Democrats (henceforth this class were called Douglas Democrats) and six "South" Americans joining with the Republicans in the affirmative. Each House adhering, the bills went to a conference committee from which was evolved what was known as "The English Bill," [1] which submitted the entire Lecompton constitution to a vote of the people. If adopted, the constitution carried with it a large land grant to the new State. If the people rejected the swindle, they were to continue in the territorial condition until their numbers increased to a Representative ratio. The people of Kansas spurned the bribe, and rejected the Lecompton constitution by a vote of 11,300 to 1788, which came no more to plague them. Like the ghost of Banquo, however, it interrupted every Democratic feast and created a fatal feud within the party. Mr. Buchanan had become panic-stricken at the opposition to his administration developed in Georgia and Mississippi, fell under the influence of the secession members of his Cabinet,[2] and took the fatal course which wrecked the party.

A melancholy interest attaches to this most memorable contest because of the fatal sequel involving Senator Broderick, who, with Senator Douglas, shared the plaudits of the Northern Democrats on account of the defeat of the President, whose administration henceforth was chiefly dependent on the Southern faction. David C. Broderick was a native of Washington, by trade a mechanic, who had become a citizen of California and by force of character had won his election to the Senate of the United States. His support of Douglas in the Lecompton controversy had aroused fierce hostility on the part of the administration Democrats in California, who did not hesitate to threaten his destruction. He felt a premonition of his fate,[3] but with characteristic courage he returned to Cali-

[1] Reported by W. H. English, of Indiana, but Alexander H. Stephens was the author. Mr. Stephens's language is: "Whether the conference bill is right or wrong, I am responsible for it."—*Life*, p. 335.

[2] *Casket of Reminiscences*, by Henry S. Foote, p. 116.

[3] *Anecdotes of Public Men*, vol. i., p. 27. "I go home to die," said Broderick to Forney. "I shall be challenged, I shall fight, and I shall be killed."

fornia and took part in the heated political contest of 1859. The election occurred on September 7th; on the 13th he was shot in a duel with David S. Terry, a Democrat of Southern birth. The duel worked a political revolution in California. It filled the whole land with excitement, and Broderick was regarded as a martyr.

The honorable part taken by Senators Crittenden and Bell added to the esteem in which they were generally held. The Whigs though without a distinct party yet rejoiced to see their ancient traditions revived. Letcher knew that Crittenden would stand up as "firm as the Rock of Ages against the most barefaced fraud and cheating the world ever saw." "You have done important service for the country," wrote Elisha Wittlesey,[1] speaking for the Whigs of the Western Reserve. Governor Chase spoke for the whole people of Ohio in a cordial letter,[2] which did not find its way to the press, only the closing paragraph of which need be given here:

> You will not expect me to coincide in the views of the slavery question expressed in your speech, but in your desire that every State and section of the Union shall be maintained in the full enjoyment of all constitutional rights, I do most fully coincide, and though sensible that no opinion of mine can be of any particular consequence to you, I cannot refuse myself the pleasure of saying how much I have been gratified by the great force of your argument, and the liberal and patriotic character of your sentiments. I feel confident that among the acts which have attracted towards you so large a share of the admiration and respect of our countrymen, and have advanced you to the conspicuous position you now hold in the public estimation, this speech and your action in regard to the Lecompton bill will not be regarded as the least important and the least worthy.

There was a spontaneous movement to honor the Kentucky Senator. His journey from Washington to his home was an ovation similar to what was wont to be accorded to the

[1] *MS.* Crittenden Papers.

[2] *MS. Ibid.* Dated from the Executive Department, Columbus, April 9, 1858.

immortal Clay. "There are thousands of us here," said Governor Corwin, speaking on behalf of the citizens of Cincinnati, "who claim you as a personal friend, and we have assembled because we love the man John J. Crittenden."[1] Covington and Frankfort vied with the cities of Ohio in cordial greetings to the "incorruptible statesman," whose unionism embraced "the whole vast confederation."

In striking contrast to the course of the venerable Kentuckian, who had divested himself of party feeling, was that of the distinguished Georgian and whilom Whig leader, Alexander H. Stephens. He influenced the tone of Mr. Buchanan's special message, and led the administration forces in the House. It is certain that without his skill and energy the defeat of the original measure would have been greater than it was. With Stephens it was not a game to make another slave State — climate and the law of population were against that—but devotion to a mere abstraction—*principle* he called it,—the rights and equality of the States as defined by Mr. Calhoun, the maintenance of which he believed worth the Union itself.[2]

With great acumen the historian Froude points out the difficulty of judging equitably of the actions of public men when private as well as general motives have been allowed to influence them, or when their actions seem to result from personal inclinations as well as from national policy. "In life, as we actually experience it, motives slide one into the other, and the most careful analysis will fail adequately to sift them."[3] This difficulty confronts us in judging of the course of Stephen A. Douglas from the moment the Lecompton conspiracy became a living factor in American politics down to the close of the campaign of 1860. He was condemned in bitter, almost brutal terms by one faction of the Democratic party for breaking with the administration, and extolled beyond human merit by the other. "Douglas," said Letcher, "will cling to the Democratic banner as long as a shred is left; his party may

[1] Cincinnati *Commercial*, June 21, 1858.
[2] Speech of Jan. 6, 1859.
[3] *History of England*, vol. i., chap. 2.

kick him, beat him, but as long as he has a hope of being taken up as a candidate for the presidency he will humble himself *too low* to be respected by his party."[1] But Letcher was a Southern Whig who did not believe in extending the peculiar institution, and still had his armor on. Mr. Douglas's senatorial term was about expiring, and he had to consider what effect his support of the Lecompton swindle would have on his chances of being returned. To break with the administration would be to invite his deposition as a leader, even his expulsion from the party. In times past the resentment of the President had been fatal to any Democratic independent. By keeping terms with the administration Douglas's nomination at Charleston was almost certain to follow in 1860, and his election with the help of Pennsylvania, New Jersey, Indiana, Illinois, California and Oregon was probable. Instead of having the opposition of the administration in his Senatorial canvass in 1858 he would have had its powerful support, and his success does not admit of doubt. The devotion of his friends was the same devotion that made Jefferson and Jackson party heroes despite occasional vagaries. We must conclude that there was a consideration of greater moment than the presidency, of importance in connection with a return to the Senate.

Douglas was too deeply compromised in the Kansas-Nebraska legislation safely to renounce what he had proclaimed as it were from the housetops as the great principle of popular sovereignty and to defend a flagrant fraud, even if his soul did not revolt from it. When he threw down the gage to the President he denounced the wrong with characteristic vigor and with apparent sincerity. He was enlisted on the side of morality, and the consciousness of that fact gave a sublime effect to his vindication of his course. He was first of all a leader of men, and the possession of that power was greater than the presidency. The session of the Senate closed with Douglas the hero of the debate, and he returned to Illinois accompanied by the plaudits of the majority of his own party, of

[1] R. P. Letcher to J. J. Crittenden, Jan. 20, 1859. *Life*, vol. ii., p. 170. This condemnation was on account of Douglas's attendance at a party caucus.

the conservative Whigs and of many influential Republicans [1] who favored his re-election to the Senate. The defeat of the administration and a permanent breach in the Democratic party were regarded by them as of the first importance. But they had not taken into consideration the vitality of political antagonisms in a community arising from years of contention, nor suspected the existence of an ambition as great as Douglas's own. The Republicans of Illinois did not believe in the sincerity of the man who originated the legislation of 1854. Abraham Lincoln held tenaciously to the position he had won as leader of the Republicans of Illinois, and seized upon miraculous Opportunity as he came rushing by and flung himself upon him.[2]

His speech at the State convention held at Springfield, June 16th, was a philosophical exposition of the principles dividing the parties of the country, and contained a warning against the policy which had been proposed of enlisting under the banner of Douglas. "Our cause," said he, "must be intrusted to and conducted by its own undoubted friends whose hands are free, whose hearts are in the work, who do care for the result." This speech had been prepared with unusual care, and committed the party to advanced ground on the slavery controversy. Any hope of an alliance with the popular-sovereignty Democrats was cut off by the action of the convention and the sentiments of this speech. This result was doubtless designed by the leader, who was preparing the way for his own career. After the speech had been written it was read to a company of political friends assembled in the State Library before its public delivery. When Mr. Lincoln called for suggestions, John Bunn expressed the opinion that the sentences, "A house divided against itself cannot stand," "I believe this government cannot endure permanently half slave and half free," ought to be struck out. This was the opinion of all present. "Those sentences," said Mr. Lincoln with great firmness,

[1] Mr. Greeley and other leaders in the East advised the Republicans of Illinois to give Douglas their support.

[2] *Cf.* Carlyle's *Frederick the Great*, vol. iv., p. 146.

"shall remain." "Then," remarked one, "you will be defeated for Senator." "Very well," replied Mr. Lincoln, "we may lose the senatorship, but to win in the future we must build upon the truth." [1]

Mr. Emerson had given many reasons in his speech of May 26, 1856, why the two distinct social systems could not constitute one state, and the same thought clothed in varied language became a bone of contention in the fierce strife ending in the rebellion. In his speech at Rochester in the summer of 1858, Mr. Seward declared that the contest was "an irrepressible conflict between opposing and enduring forces; and it means that the United States must and will, sooner or later, become either entirely a slaveholding nation or entirely a free-labor nation." Mr. Seward was a great figure in public life, of world-wide distinction, and around his head henceforth the lightnings from the political thunder-clouds played, and he endured the obloquy of being declared a disunionist; whereas Mr. Lincoln, little known, stood unscathed.

The joint debate between Lincoln and Douglas during the senatorial canvass of 1858 was an incident in American politics of vast importance, which, in the providence of God, made one of the champions President, and the other instrumental in his election. The repeal of the Missouri restriction was the beginning of a new era—the years of which mark the stages of revolution. The debate of 1858 argued the whole question before the court of the American people who alone had the responsibility of final judgment. Mr. Lincoln adroitly led Mr. Douglas into an avowal that forever separated him from the South, and yet the avowal which recognized the right of the first settlers in a territory to exclude slavery was in harmony with his popular-sovereignty theory, though not with the decision of the Supreme Court in the Dred Scott case.

Mr. Lincoln lost the senatorship, but the ability he dis-

[1] *MS.* Account of a conversation with John Bunn. Mr. Bunn was the youngest person present, and was getting his first experience in practical politics. He says that Mr. Herndon was not present at this conference, and of course could not have made there the prophetic remark set down in his book.

played in debate was generally recognized, and he was invited to other States. He spoke at Columbus and Cincinnati the following year during the gubernatorial canvass,[1] and was heard by large and attentive audiences. Mr. Douglas also spoke in Ohio—at Columbus, Dayton, Hamilton and Cincinnati — to vast assemblies of enthusiastic admirers, who saw in the personal triumph of the Illinois Senator the deep humiliation of the President.

Mr. Buchanan's lot was an unhappy one, and before 1859 all of the bright anticipations he had cherished before his inauguration of his instrumentality in securing the blessings of peace to a distracted country had fled, and he looked dejected, aged and ill. He was in a sense a buffer between opposing forces, and an object of suspicion. Did he ask for an increase in the army to enable him to put down the Mormon rebellion,[2] the Republicans declared it was to enable their opponents to oppress and overawe the people of Kansas. Did he direct the enforcement of the neutrality laws, the Southern Democrats accused him of being inimical to their interests. As he protested and wrung his hands, all the world clearly saw that he was out of place, a miserable old *fainéant* in the hands of ambitious men who were pursuing a definite policy. This policy, in case of failure to equalize the representation of the sections in the Senate, contemplated the acquisition of Cuba and of the Central American states. William Walker, an adventurous Southerner, had made a successful landing in Nicaragua during the administration of President Pierce, and set up a govern-

[1] Which resulted in the election of William Dennison.

[2] The Governor of Utah, appointed by the President, was escorted to his destination by troops. September 15, 1857, Governor Brigham Young issued his proclamation, in the style of an independent ruler, announcing his purpose to resist by force of arms the entry of the United States troops into the territory. Lieut.-General Daniel H. Wells, Nauvoo Legion, issued orders to stampede the animals of the government train, to obstruct the road, to burn the grass, capture supplies etc., all of which was done. It became necessary for Gen. Johnston to reduce the rations of the soldiers, who were subjected to much suffering. Two additional regiments were authorized but not employed. The new Governor was installed and peace reigned in Utah.—Annual Message of the President, Dec., 1858.

ment which he maintained for a short time, but being hemmed in by the natives he was compelled to withdraw. He had been visited by Mr. Soulé, had issued a decree to legalize slavery, and had received encouragement from the Pierce administration. Doubtless he expected to be supported by Mr. Buchanan when he went on a new filibustering expedition in the latter part of 1857, and not without reason. Unfortunately for the success of his enterprise, Commodore Paulding, who was commanding off the coast of Nicaragua, interpreted his instructions strictly, and landing a force surprised Walker in his camp, disarmed his few hundred men and sent them home. The chief was permitted to take the regular steamer from Aspinwall to New York.

The President in communicating the facts to Congress declared "that Commodore Paulding had violated the neutrality of a foreign state and had been guilty of a grave error." This censure of a gallant officer was severely animadverted upon by opposition Senators, and commended by the friends of the administration. It was admitted that Walker had violated our neutrality laws, but as he was captured on land instead of on the sea, the President directed his discharge. Senator Crittenden made the point that as Commodore Paulding had entered the country with the permission of the government of Nicaragua, which had subsequently thanked him in the most cordial manner, there was no violation of its neutrality. He protested against the censure. It was not proper that a mere opinion of the President, expressed when the case was but half before him, should be the rule of our naval officers all over the world.[1] Walker's plan to found an Anglo-American republic by a union of the five states of Central America,[2] was thus frustrated, to the regret of the Southern leaders. Before a new start could be made a crisis had been reached in the political affairs of the United States.

Disappointed in this direction, the Southern leaders renewed

[1] *Cong. Globe*, Jan., 1858.

[2] The five states had an area of 155,664 square miles, and a population of 2,019,000.—*Notes on Central America*, by E. G. Squires.

their efforts to acquire Cuba, in which they had the co-operation of the President. When Governor Walker saw that Kansas was lost to the South, he sought to reconcile Mr. Buchanan to the defeat of his Lecompton policy by reminding him of the great possibilities of Cuba for restoring the sectional equality. The Ostend manifesto was issued to justify a seizure of Cuba in case Spain refused a price. As President, Mr. Buchanan recommended a more conservative course to accomplish the acquisition of Cuba. Reference was made to our unsatisfactory relations with Spain, to her offer to compromise claims aggregating $128,635.54 by the payment of one-third of that amount and to the necessity of some action that should effect a settlement. Jefferson Davis promptly introduced a resolution [1] making it the duty of the President to take possession of the island of Cuba, and retain it until these claims were paid and *certain unsettled causes of complaint were adjusted by her*. The object of this resolution was plain upon the surface. Cuba once in our possession the only settlement of the causes of complaint possible would have been the surrender of the island to the United States. The resolution went to the Committee on Foreign Relations, who later reported a bill appropriating $30,000,000 to facilitate the acquisition of Cuba.[2] The law of our national existence, said the committee, is growth. "We cannot, if we would, disobey it." Their meaning was not left in doubt. Growth meant expansion, not improvement within. "The tendency of the age is the expansion of the great Powers of the world." When they cease to extend their territorial limits the period of decadence will begin. The law of fate of all nations, as of man, is growth, and when that ceases, decay ensues.

A debate followed this report, which developed many interesting facts. Senator Slidell expressed sympathy for the Cubans who, he said, "were panting for liberty." This aspiration for liberty, retorted Senator Thompson of Kentucky, was but another name for avarice—that avarice which made the Cuban

[1] *Cong. Globe*, Dec., 1858.

[2] *Ibid.*, second session, Thirty-fifth Cong., 1859.

planter annually estimate the value of a negro in sugar. "He supplies him from the coast of Africa and by his infernal alchemy makes him into molasses or sugar." These people with their barbarism and their cruelty were not fit to come into the Union.

Senator Crittenden estimated the cost at $200,000,000, a preposterous sum at a time when a knock upon the Treasury emitted a mournful sound. Senator Chandler entered more elaborately into the financial view and produced some startling figures: Of the thirty millions proposed to be appropriated each Congressional district would be required to pay $127,-118.64. Of the lowest estimated sum finally to be paid—two hundred millions of dollars—each district would pay $847,454. The State of Michigan would be compelled to pay a perpetual annual tax of $406,777.92; the State of Ohio, $1,073,791. The island of Cuba contained 19,350,000 acres, for which it was proposed to pay ten dollars an acre, and then not an acre would be acquired. Better lands—millions upon millions of them—were being sold by the United States government for one dollar and a quarter per acre, or given away to promote schools or the construction of railroads. Would such a proposition pay? Was the perpetuation of the institution of slavery so dear to the American heart that the free people of the United States should be taxed so enormously for that purpose?

And what were the Cubans? The white population were ignorant, vicious and priest-ridden. The people would not labor, and they would resort to any shifts of crime to obtain subsistence. Bribery was universal from the Governor-General down. Prior to the administration of General Tacon there was not a crime on the calendar which had not its fixed value in the island of Cuba. The price of assassination was an ounce of gold a head! One could scarcely walk out in the streets of Havana in the morning without finding one or more dead bodies, the result of the last night's assassinations or robberies. The gibbet was a familiar object—the gibbet with a human skull rattling in the wind, at a four corners, or at some place

where a murderer had met his fate. The extent of crime had been lessened under Tacon, but it took an army of twenty thousand men to accomplish it. With ownership, at a cost of two hundred millions, would come the responsibility of administration and the support of an army greater in numbers than the one then in the service of our government. And this is what slavery demanded to keep the peace; what the President in his impotency recommended to Congress!

The proposition could not be made to run on four feet in the presence of men of practical buisness sense. The administration was relieved from its indefensible position by the introduction of a resolution, which was adopted,[1] approving of the message of the President respecting the propriety and ultimate necessity of acquiring the island of Cuba by the United States, whilst refraining from any committal as to future measures which circumstances, whether affecting the peaceful relations of the two countries or the safety of the United States, might render necessary. This was rather an ignominious retreat, but prudence dictated it. The Viking blood in us still moves to the acquisition of adjacent islands.

Defeat met the administration on every side. The President had planted his feet in the wrong road—in a road passing through fens by which solid ground might never be reached. His party in his own State deserted him; the whole free North deserted him, and turned in the direction of reform and progress. The elections of 1858–59 rebuked the frauds upon the franchise, rebuked the Lecompton wrong, rebuked the use of the judiciary for partisan ends, rebuked bribery employed to debauch the people's representatives and to intimidate officers, rebuked the waste of money in administration. He had the unspeakable humiliation of seeing Walker and Stanton, agents chosen by himself for their high character, and intimate friends in Pennsylvania who had vouched for him,[2] exposing to all the world the crimes committed under his administration; of see-

[1] February 21, 1859. Introduced by Mr. Mason, of Virginia.

[2] See Forney's *Anecdotes of Public Men*, and speeches by Representative Hickman in the House, *Cong. Globe*, 1859–1860.

ing the great majority of his fellow Democrats following Douglas, whom he had sought to crush and drive out of the party. The petty meanness of deposing the Illinois Senator from the head of the Committee on Territories seemed only to increase his popularity. If Mr. Buchanan had turned on his course and dealt with conspiracy with Jacksonian vigor, his party would have been formidable again in 1860, but he was as incapable of that as By-ends or my Lord Time-server was to desert old principles.

Before the Thirty-sixth Congress convened for organization, a startling episode occurred which seemed to advertise the fact that the American nation was already in the throes of revolution. Violence employed in support of wrong was not confined to the plains of Kansas. Out of the storm raised there wild spirits emerged who struck a blow at social order in the Old Dominion. On the night of the 16th of October, 1859, a small body of men, led by John Brown, surprised the arsenal at Harper's Ferry, patrolled the town and made prisoners of several citizens and planters of the neighborhood. A few hours sufficed to surround the marauders, some of whom were killed and the six remaining, including Brown and two sons, barricaded themselves in the engine house. Brown might easily have escaped during the day, but some power held him to his fate. When he surrendered he was already wounded and his sons lay dead by his side. He had borne himself with admirable coolness and courage; with humanity toward those he had made prisoners. He was captured by Col. Robert E. Lee, of the United States army, who turned him over to Governor Wise. Brown was speedily indicted, tried and condemned, and was executed December 2d. He handed one of his guards a paper on which he had written this sentence: "I, John Brown, am now quite *certain* that the crimes of this *guilty land* will never be purged away but with *blood*. I had, as I now think, vainly flattered myself that without very much bloodshed it might be done." And this was the end of earth for poor Brown, a self-appointed victim in our great tragedy. He was of Puritan type, resolute, without fear of man or death

—one who loved humanity, who felt he was called to set the time right, and whose devotion became fanaticism. When he put arms into the hands of the poor slaves and told them to fight for their freedom, they fled to the protection of their masters. In his imagination he had endowed these untaught descendants of barbarians with the attributes and the aspirations of a nobler manhood. It was a delusion.

Take the files of any newspaper of the day, and you will read the columns, the pages devoted to the deeds of this unfortunate man, to the pranks of the Governor of Virginia, who was a great master of political pyrotechnics, to the foolish excitement of the President, who, besides despatching troops to Harper's Ferry, called out the militia of the District of Columbia, and to the commotion prevalent throughout the land. From Charleston, which seems to have been sane throughout these scenes, there came up a protest against this military display to capture a score of men—a whole State arming and her executive telegraphing frantic appeals for aid to other States. The solemn ending was preceded by a broad and pathetic farce. The South was humiliated.[1]

The people of the North were innocent of any complicity in this mad enterprise. It met with universal condemnation. Nevertheless, party prejudice moved to vague accusations, and for the purpose of fixing the responsibility on the Republican party, Mr. Mason moved in the Senate the appointment of a committee to ascertain the facts — whether the seizure of the arsenal was made under color of any organization intended to subvert the government of any of the States of the Union, whether any citizens of the United States not present were implicated therein, and what, if any, legislation was necessary. Mr. Trumbull said he hoped the investigation would be

[1] Charleston *Mercury*. "From the five hundred invaders in possession of Harper's Ferry, and the one thousand negroes carried off to the mountains of Pennsylvania—from the further invasion and threats of invasion, it is a tissue of exaggeration and invention sufficient to stir the gall of any Southerner." Rewards were offered through the Richmond papers of $5000 for the head of Giddings and $30,000 for the head of Seward.

thorough and complete. At the same time he moved to amend the resolution so as to instruct the committee to inquire into the facts attending the seizure and robbery of the arsenal at Liberty, Missouri, in December, 1855, which was followed by an invasion of the territory of Kansas and the murder of some of the inhabitants; the object of such invasion, etc. But as this was goring the ox of the other side, it was rejected by a vote of 22 to 32.[1] On the 15th of June, 1860, after months spent in inquiry, the committee could implicate no one in the North in Brown's invasion, but divided in submitting two partisan reports.

During the debate on the resolution and report, Mr. Clay of Alabama, addressing the Republican Senators, said: The people of Alabama "will never submit to the government of a President professing your political faith and elected by your sectional majority." Gwin of California confirmed the remark, and expressed the opinion that the South would make it good. This brought Hale to his feet, who replied with force and animation: "Then we have been living under a delusion; we are not a Union of States: the free States are subject provinces, and our people do not choose a President. They but perform an idle ceremony." Then the North occupied the position to the South that the old French Parliament did to their monarch. He made the decrees, the prerogative of the Parliament was to register them — that was all.

> Why, sir, how idle is the idea of any equality, when we are told beforehand that if we exercise the right guaranteed to us by the Constitution in all its forms and in all its spirit, and vote for the man whom we prefer, and succeed in consummating our wishes through the forms of the Constitution, then the government is at an end! So be it, sir; so be it.[2]

[1] *Cong. Globe.*

[2] *Cong. Globe.*

CHAPTER X

THE CONVENTIONS OF 1860—THE ELECTION OF LINCOLN

WHILE John Brown and his tragic fate occupied the Senate, the House, surrounded by the heat and flame of the controversy started by the repeal of the Missouri Compromise, seemed to be incapable of proceeding in an orderly manner to the transaction of any business. It was wilfully given over to chaos for two months by the desperate men in control of the Democratic minority. The President had made a patriotic appeal to the Representatives to put an end to sectional strife, but no class had any respect for him, and to the close of his administration he was irreverently referred to as "The Old Public Functionary" of the White House.[1] The way to peace seemed easy to him. The Supreme Court in the Dred Scott case and the Thirty-fifth Congress in the English bill had removed obstacles before regarded as insurmountable. By the decision of the court the status of a territory, during the immediate period from its first settlement until it should become a State, had been irrevocably fixed. Emigrants from all of the States could meet there on a common platform, taking with them that species of property best adapted, in their own opinion, to promote their welfare. From natural causes the slavery question in each

[1] Alluding to this clause in the message of the President: "This advice proceeds from the heart of *an old public functionary*, whose service commenced in the last generation among the wise and conservative statesmen of that day, now nearly all passed away, and whose first and dearest earthly wish is to leave his country tranquil, prosperous, united and powerful."

case would settle itself. Under the provision made by Congress, the people of Kansas had elected to remain in a territorial condition until their numbers increased to a Representative ratio, and meanwhile the rights of the slaveholders were protected by the decision of the Supreme Court. The number of free States had been increased by the admission of Minnesota and Oregon.

To the House of Representatives of the Thirty-sixth Congress there had been returned one hundred and nine Republicans, one hundred and one Democrats, twenty-six Americans and one Whig. It was impossible for either the Republicans or the Democrats to organize the House without the help of the Americans. There were members in the minority who were willing that the wheels of government should be blocked by the non-organization of the House, who even threatened to continue a state of anarchy until the nation was rent into fragments. These, therefore, lent their support to a resolution introduced by John B. Clark of Missouri, pledging the House not to support any candidate for Speaker who had endorsed a book written by Mr. Helper of North Carolina, entitled *The Impending Crisis of the South: How to Meet It;* they insisted on the right of unlimited debate pending an organization — thus giving to a few lawless spirits the power to prevent an organization. The passion of partyism alone would not have sufficed to move members to such desperate courses: the storm of revolution was rising, and those who had invoked it and prospectively ventured their fortunes in it assumed a recklessness which in a calmer period they would have abhorred. The resolution, which ostensibly censured John Sherman,[1] who was supported by his party for Speaker, was only a means to promote the purpose of the anarchists, and it was unprecedented in the preliminary stages of the organization of a

[1] Mr. Sherman at the request of Gov. Morgan, of New York, as had other public men, lent the use of his name to promote the sale of Helper's book on the assurance that it was unobjectionable. He had not read it. Helper, a Southern man, resented the rule of an aristocracy and suggested that the mass of whites in the South who had no interest in the institution of slavery should refuse their support to slaveholders. It was this recommendation that made the trouble.

legislative body. The Republicans, holding that only two motions were in order while the House remained unorganized,—to vote for a Speaker and to adjourn,—refused to participate in the debate which their opponents had precipitated, and waited with dignified patience for an opportunity to effect an organization. Mr. Sherman's vote on several occasions lacked only one of an election, but, failing to secure that, on the 30th of January he withdrew his name in a manly speech in which he briefly described in temperate language the scenes of the preceding eight weeks.

The large plurality of the members of the House, he said,

have stood undismayed amid threats of disunion and disorganization, conscious of the rectitude of their purposes; warm in their attachment to the Constitution and the Union, and obedient to the rules of order and the laws. They have been silent, firm, manly. On the other hand, they have seen their ancient adversary, and their only natural adversary, reviving anew the fires of sectional discord and broken into fragments. They have seen some of them shielding themselves behind a written combination to prevent the majority of the House from prescribing rules for its organization. They have heard others openly pronounce threats of disunion; proclaim that if a Republican be duly elected President of the United States they would tear down this fair fabric of our rights and liberties and break up the Union of these States.[1] And now they have seen their ancient adversary, broken, dispersed and disorganized, unite in supporting a gentleman who was elected to Congress as an American in open, avowed opposition to the Democratic organization.[2]

[1] Representative Reuben Davis of Mississippi said: "Gentlemen of the Republican party, I warn you. Present your sectional candidate for 1860, elect him as the representative of your system of labor; take possession of the government as the instrument of your power in this contest of 'irrepressible conflict,' and we of the South will tear this Constitution in pieces, and look to our guns for justice and right against aggression and wrong."

Mr. Crawford of Georgia said that if Henry Ward Beecher were to visit Virginia, "he not only would be denied liberty of speech, but he would be denied personal liberty also, and would be hung higher than Haman," thus denying to a citizen of another State the protection guaranteed by the Constitution.

[2] The American was W. H. N. Smith of North Carolina, but he could command only a part of the American strength. The Democrats began by supporting

After the withdrawal of Mr. Sherman, on the 1st of February, William Pennington of New Jersey received, besides the full Republican strength, enough American votes to give him a majority of one, and thus this extraordinary contest was brought to a close. During the debate conducted by the Hotspurs several notable incidents occurred which are a part of the history of the time. Mr. Vallandigham, representing the Third District of Ohio, declared sentiments which foreshadowed the treasonable course he entered on two or three years later. After announcing that he was as "good a Western fire-eater as the hottest salamander in the House," he added deliberately:

In all this controversy, so far as it is sectional, I occupy the position of armed neutrality. I am not a Northern man. I have little sympathy with the North; no very good feeling for, and am bound to her by no tie whatever,[1] other than what were once and ought always to be among the strongest of all ties—a common language and common country. Least of all am I that most unseemly and abject of all political spectacles—"a Northern man with Southern principles." When I emigrate to the South, take up my abode there, identify myself with her interests, holding slaves or holding none, then, and not till then, will I have a right, and will it be my duty, and no doubt my pleasure, to maintain and support Southern principles and Southern institutions. Then, sir, I am not a Southern man either, although in this unholy and most unconstitutional crusade against the South—my most cordial sympathies are wholly with her.

One speech, a very notable speech, was made during all these weeks in defence of the principles of the Republican party and of the course of its Representatives in this grave emergency. Thomas Corwin, after a brief retirement to private life, had been returned to the scene of his first great triumph as an

Mr. Bocock of Virginia, but the war on the principle of popular sovereignty broke out and the Democrats divided. On the last ballot nine Southern Democrats refused to vote for McClernand of Illinois, a friend of Senator Douglas.

[1] Vallandigham was a native of Ohio, and represented a populous and wealthy district.

orator which made him a favorite of the whole American people. Then pæans were heard on every hand in honor of the Union; now his return is on the eve of the civil war he foreshadowed in his Mexican speech in the Senate. He had placed Mr. Sherman in nomination for Speaker, and after listening for weeks to the violent threats and unjust accusations, he attempted to recall the Hotspurs to patriotic duty and the House to a condition of order. The motive of the orator clearly is to impress upon the hearts of his hearers not only the precious boon of the Union, but the truth that "the animosities are mortal, but the humanities live forever." As the word went out that Corwin was up in the House, every foot of space was quickly occupied by an eager throng. He stands silent for some moments, his thoughts going back to the old hall and the faces once familiar there. Here is the rotund form, the wonderful face, the brilliant eyes as of old, but the manner of the orator is more subdued. An air of melancholy steals over him, as he surveys his audience: the eager faces before him are the faces of strangers—his contemporaries who conferred honor upon their country have preceded him to the silent land. He now speaks to those who are to be the actors in the bloody scenes he had described in his vision of 1847. There is a tendency to pathos, but his fellow-members, by adroit questioning, invite philosophical disquisition, or start a vein of humor, or provoke a flash of wit worthy of the days of his vigorous manhood. "If the interruptions become a weariness," he quietly remarks, "if everybody is to be tugging at my wheels, I shall not drive to the end of my journey to-day." And when his opponents seek to break the thread of his argument, by introducing references to the customs of the ancients, he abruptly brings the question before the House again by remarking: "Now, Mr. Clerk, these antiquarian researches will bring us back to Babylon directly, and Egypt, and we shall get among the obscene snakes and frogs of the catacombs."

Driven to consider the all-engrossing subject of slavery by the remarks of others, he chose his illustrations from the wealth of biblical lore of which he was always a master. Thus from

the story of Hagar and the boy Ishmael was drawn the prophecy that the latter would become the first great filibuster, whose progeny have gone on fighting and robbing through the ages. The father of that boy had another family whose descendants were in servitude four hundred years. "At the end of that time God abolished that servitude and repealed the fugitive slave law, very much to the dismay and astonishment of the pursuing masters, and greatly to the gratification of those owing service and labor to them." And then in simple language, grave but eloquent, he described the scene on the shore of the Red Sea, made real by the warmth of an Oriental imagination, when Miriam and all of the dark-eyed daughters of the fugitive Hebrew slaves burst into triumphal song to the glory of the Lord. The illustration suggests the application to the progress of the human race.

Vallandigham was not the only member from Ohio who joined the anarchists. S. S. Cox aspired to distinction, and he received attention from Mr. Corwin. Cox had sneered at the inhabitants of the Western Reserve and in recounting the proceedings of a meeting held there he imitated the twang of the Yankees of that section of country, whereupon Corwin commented:

> It sounded strange to you as it did to him; and so it did to the army of Prince Rupert at Marston Moor, when the ancestors of these men rushed into battle against the mailed chivalry and curled darlings of the court of Charles I. What happened then? Something worthy to be noted and not forgotten. Stout Cromwell and his unconquerable Ironsides, when the day was well-nigh lost, charged with resistless fury upon the proud columns of that host of gentlemen, as they were boastfully denominated, and lo! Prince Rupert and his host were no longer there. They were scattered as the dry leaves of autumn are before the storm blast of the coming winter. That same nasal twang rang out on that day, their well-known war cry, "The sword of the Lord and of Gideon."
>
> These Yankees are a peculiar people; they are an industrious, thriving, painstaking race of men. Their frailties grow out of their very virtues, those stern virtues which founded liberty in England,

and baptized it in their own blood upon Bunker Hill in America. They will do so again if there is a necessity for it. It is a hard matter to deal with men who do verily believe that God Almighty and his angels encamp round about them. What do they care for earthly things or earthly power? What do they care for kings and lords and presidents? They fully believe they are the heirs of the King of kings. In the hour of battle they seem to themselves to stand, like the great Hebrew leader, in the cleft of the rock; the glory of the most high God passes by them, and they catch a gleam of its brightness. If you come in conflict with the purposes of such men they will regard duty as everything, life as nothing.

Referring to the threats of disunion he said:

Better for us would it be that the fruitful earth should be smitten for a season with barrenness and become dry dust, and refuse its annual fruits; better that the heavens for a time should become brass, and the ear of God deaf to our prayers; better that famine with her cold and skinny fingers should lay hold upon the throats of our wives and children; better that God commission the angel of destruction to go forth over the land, scattering pestilence and death from his dusky wings, than that we should prove faithless to our trust, and by that means our light should be quenched, our liberties destroyed, and all our bright hopes die out in that night which knows no coming dawn.

And so the speaker continues for two days, taking up without hesitation the thread of his argument on the issues raised after each digression induced by the interruptions, his audience as eager at the close as at the beginning. Like the great Mexican war speech, this one is notable for wealth of illustration and naturalness of expression. Its calm and lofty tone brought to a pause the fierce sectional and party strife that had been in progress six weeks, broke the opposition, and opened a way for a settlement without sacrifice of principle on the part of the majority.

The example of violence and intolerance set by the House was speedily followed in different sections of the country. On the 20th of December there arrived at Cincinnati several

families, numbering in all thirty-six souls, who had been driven out of Berea, Kentucky, for believing as the Synod of Kentucky had taught that slavery was sinful. They were peaceable, industrious, law-abiding citizens, but before their opinions their neighbors stood condemned, and in the conflict the weaker had to yield. Confronted by sixty-five armed, well-mounted men drawn up in military array, the Rev. J. R. Rogers, principal of a prosperous school, remarked that he had not consciously violated any law of the commonwealth, and that if he had unconsciously done so he would be most happy to be tried according to law. In reply he was informed that he had not violated any law, but that his principles were incompatible with the public peace, and he must go.[1] Thus thirty-six men, women, and children were driven forth to seek homes among strangers. What a commentary on the declarations of statesmen that the systems of free and slave labor in a territory or a State were not incompatible! Before this single act of intolerance the demand for equality in the territories fell. The Legislature of Maryland, in authorizing the construction of a street railroad in the city of Baltimore, provided that "no Black Republican, or indorser of the Helper book," should receive any of the benefits and privileges of the act, or be employed in any capacity by the railroad company.[2]

This force surrounded the President and he yielded to it, approved of it and sympathized in its demands. So did thousands of others. Commodore Stockton, who had rendered his country honorable service in other days, was a typical representative of this class.

I am for peace [said he], I am for the Union, and therefore I am for concession, if concession will insure peace. The North is infuriated with a passionate, almost irreligious fanaticism; the South,

[1] Cincinnati *Commercial*, Dec. 21, 1859.

[2] App., *Cong. Globe*, Feb. 21, 1860, p. 118. "I want honorable gentlemen upon this side of the House to know," said Henry Winter Davis, "that when they pass home through the city of Baltimore they must be prepared at the car doors to deny their political principles or lose the lightning train."

maddened by the certainty of the horrible results which that fanaticism threatens, is assuming an attitude of serious, stern resistance. To avert the inevitable progress of the conflict I would have the North concede at once, and promptly and cordially agree: 1. To recognize as final and conclusive the decisions of the Supreme Court. 2. Comply faithfully with the requisitions of the fugitive slave law. 3. To recognize the right of our Southern fellow citizens to take their slave property into the territories, and to its protection there under the Constitution of the United States.

In return for this he would have the South "concede specific duties" and a tariff giving some protection to the industries of the North.

But the South were not prepared to *concede* anything — certainly they would not surrender the existing tariff with its free list and low duties rendered still less onerous under an *ad valorem* system which admitted of under-valuations. They were contending for constitutional rights. If they were entitled to have their property protected, they wanted the North to respect that right; if they were not, they should make no such demand. They would not barter. Standing upon the decision of the Supreme Court in the Dred Scott case they now declared it to be "the duty of the law-making power, wherever lodged and by whomsoever exercised, whether by the Congress or the territorial Legislatures,"[1] to provide a slave code for the territories for the protection of their property. This was the perfect fruit of the tree planted by Calhoun. The power of Congress herein recognized by the Southern extremists, the Republicans held, ought to be so exercised as to encourage and protect free labor in the territories[2] — the perfect fruit of the tree of Freedom. The debate of 1860 was upon these two radically differing propositions and the non-interference policy of Senator Douglas

[1] Resolutions introduced in the Senate of the United States by Mr. Brown of Mississippi. This slave proposition met the opposition of the Columbia *South Carolinian*. Jeff. Davis did not consider it of importance. *Cong. Globe*, p. 1001.

[2] Amendment to the Brown resolutions proposed by Senator Wilkinson of Minnesota. *Cong. Globe*, 1st Sess., Thirty-sixth Cong., March, 1860.

which had encountered the deadly opposition of the administration.[1]

Mr. Buchanan had undertaken to crush Mr. Douglas and the attempt had brought the party to irretrievable ruin, while he himself, as will be seen, became an object of persecution. The fate that had overtaken the Whig party had at last overtaken the Democratic,— the division was sectional and permanent. The Democrats of the North were now spoken of in the South as "the anti-slavery Democracy," and their great leader as "a traitor to those principles which secure the South"—"dangerous and designing, let him be *anathema maranatha*." [2]

We repudiate the whole scheme [said the most conspicuous tribune [3] of the South in advance of the Charleston convention]—we repudiate the whole scheme by which it is sought to tie our hands and encircle us as with the folds of a snake, to crush out or smother the vital power of our civilization. . . . Finally we shall sustain no man of whatever party who shall stand upon the platform of

[1] In an elaborate article in *Harper's Magazine*, September, 1859, Senator Douglas divided Democrats into three classes, as follows: "First: Those who believe that the Constitution of the United States neither establishes nor prohibits slavery in the States or territories beyond the power of the people legally to control it, but leaves the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States. Second: Those who believe that the Constitution establishes slavery in the territories and withholds from Congress and the territorial Legislature the power to control it; and who insist that in the event the territorial Legislature fails to enact the requisite laws for its protection, it becomes the imperative duty of Congress to interpose its authority and furnish such protection. Third: Those who, while professing to believe that the Constitution establishes slavery in the territories beyond the power of Congress or the territorial Legislature to control it, at the same time protest against the duty of Congress to interfere in its protection; but insist that it is the duty of the judiciary to protect and maintain slavery in the territories without any law upon the subject." In other words, that slavery was protected by the common law. Senator Benjamin made a learned argument on this proposition. Horace Greeley requested the privilege of reviewing Senator Douglas's article, but the editor of *Harper's Magazine* refused to give him access to its pages.

[2] Charleston *Mercury*, June 16, 1859.

[3] *Ibid.*

Douglas's principles, though he should be nominated by twenty Democratic conventions,—

a promise often repeated and finally made good. The South had interpreted the Cincinnati platform to mean "The qualified right of the people of the slaveholding States to the protection of their property in the States, in the territories, and in the unorganized wilderness,"[1] which made the federal government the "rightful and legitimate protector of the common rights of all the citizens of the United States in other States and territories."[2] This duty, however, was limited to the protection of property: the federal government might not prohibit slavery—might not interpose to protect the citizens of Berea in the enjoyment of their homes, their liberty, the freedom of opinion guaranteed by the Constitution! "If we cannot get this protection in the Union," said the Southern press, "we should seek it out of the Union."[3]

Throughout the winter months these differences had occupied Congress. Those friends and neighbors of Mr. Buchanan who had stood his guarantors in the campaign of 1856, pledging him to fair dealing, had impeached him morally, and later sought evidence through investigating committees of the House upon which to found a legal impeachment.[4] The slavery question obtruded itself in every debate, in almost

[1] Proceedings of the Democratic convention at Montgomery in 1856.

[2] Huntsville *Democrat*, June 8, 1859.

[3] *Ibid.* This was the position held by most of the Southern newspapers.

[4] The biographer of Mr. Buchanan claims—and the sequel of the investigation would seem to warrant his conclusion—that the work cut out for the Covode committee was to secure evidence charging the administration with corrupt practices with a view to influence the action of the voters in the campaign of 1860. It was believed at the time, however, and indeed it was promised, that evidence would be produced on which to impeach the President before the Senate. Democrats formerly in the confidence of Mr. Buchanan were the authors of this proceeding. In the House on the 5th of March, 1860, Mr. Covode of Pennsylvania, moved the appointment of a committee of five members to inquire whether the President or any officer of the government, by money, patronage or other improper means, had sought to influence legislation; and also whether any officer, by combination or otherwise, had prevented or defeated, or attempted to prevent or defeat, the execution of any law upon the statute book, and whether the Presi-

every attempt at legislation, and members became so excited by the middle of April that a Senator declared that unless the slavery question could be wholly eliminated from politics, the government was not worth two years', perhaps not two months', purchase. "So far as I *know*, and as I believe, every man in both Houses is armed with a revolver—some with two —and a bowie-knife. It is, I fear, in the power of any Red or Black Republican to precipitate at any moment a collision in which the slaughter would be such as to shake the world and dissolve the government." With men in such mood, and while such scenes were enacting at the Capitol, the national conventions of the various political parties met.

On the 2d of February, Jefferson Davis submitted in the Senate a series of resolutions, embodying the constitutional doctrine contended for by the dominant party in the South, which have an historical importance as showing precisely the ground on which Southern delegates withdrew from the Charleston convention and justified the action of their States at a subsequent period of the political revolution already in progress in 1860. It was declared—First: That the federal Constitution was adopted by the States as free and independent sovereignties, delegating a portion of their powers to be exercised by the federal government for the increased security of each against dangers, *domestic* as well as foreign; and that any intermeddling by one State, or any citizens of the same, with the domestic institutions of another, on any pretext whatever, political, moral or religious, was a violation of the Constitution, whose tendency was to destroy the Union. Second: That negro slavery was recognized by the Constitution as constituting an important element in the apportionment of powers among the States, and that no change of opinion or

dent had failed or refused to compel the execution of any laws thereof. The resolution was adopted and a committee appointed with Mr. Covode as chairman. Other resolutions were introduced, but interest centres in the proceedings of the Covode committee. The investigation was in secret, and in time a mass of *ex parte* evidence was given to the country, but no impeachment was attempted. Pending the proceedings, Mr. Buchanan sent two special messages to the House protesting against the action and arguing the constitutional question involved.

feeling on the part of the non-slaveholding States could justify them in open or covert attacks on the institution of slavery. Third: The Union being formed on an equality of rights, it was especially the duty of the Senate, which represents the States in their sovereign capacity, to resist all attempts to discriminate either in relation to persons or property in the territories, the common possession of the United States. Fourth: That neither Congress nor a territorial Legislature, possessed power to annul or impair the constitutional right of any citizen of the United States to take his slave property into the common territories, and there hold and enjoy the same while the territorial condition remained. Fifth: The judiciary and executive authority proving inadequate to the protection of constitutional rights, and the territorial government failing or refusing to do so, it would then become the duty of Congress to supply such deficiency within the limits of its constitutional powers. Sixth: On proceeding to form a constitution to be admitted as a State into the Union, the inhabitants of a territory might then for the first time decide for themselves whether slavery as a domestic institution should be maintained or prohibited within their jurisdiction. Seventh: That all acts of individuals or of State Legislatures to nullify the clause in the Constitution for the rendition of fugitives or the fugitive laws were subversive of the Constitution and revolutionary in their effects.

With this platform the delegates from the Southern States entered the Democratic National Convention which assembled at Charleston the 23d of April, and refused to abate one jot of principle. With the exception of the seventh clause relating to the nullifying acts of some of the free States, the Douglas Democrats could not, without inviting destruction for themselves, accept this Southern interpretation of the Constitution, though willing to reaffirm the Cincinnati platform of 1856, which admitted, as we have seen, of different interpretations. But Southern policy had progressed to the final stage of an unqualified acceptance of the Calhoun theory by the whole country with the alternative of a dissolution of the Union.

The dilemma in which the Northern Democrats would be placed was known to Mr. Davis and other extremists in his confidence, who were preparing the way for a new confederation, when he laid his propositions before the Senate. That the purpose in transferring the scene of action to Charleston was to drive Douglas from the field scarcely admits of a doubt. The fifteen slave States and California and Oregon gave to the extremists control of the Committee on Resolutions, but they failed to get control of the convention. The administration, through office-holders in several of the Northern States had succeeded in sending contesting delegations to the convention, but Douglas's friends controlled the National Committee and the Committee on Credentials, and the regular delegates were seated. The days consumed in discussion and in conferring over plans of adjustment only served to intensify the passions of members. The Southerners were unyielding, domineering, with a single purpose in view, and they drove straight for their goal. The crisis was reached on the 30th, when the convention by a vote of 165 to 138 substituted the minority platform for the Davis propositions which had been reported by the majority. Thereupon the delegates from the Gulf States and Arkansas, refusing to abide by the action of the convention, withdrew and were joined by a few individuals from other States. The party had come to the forks of the road and division followed. This result, which had been clearly foreseen, was accepted by the Southern leaders with thinly veiled manifestations of satisfaction.

The resolutions which had been substituted for those reported by the majority of the committee evaded the real issue and were contemned for their lack of principle. They reaffirmed the Cincinnati platform, pledged the Democracy to defer all questions relating to the rights of property to settlement by the Supreme Court, declared in favor of a railroad to the Pacific, in favor of the acquisition of the island of Cuba, and condemned the personal liberty laws of the Northern States. The personality of Douglas became the fighting platform. After taking fifty-seven ballots for President without

overcoming the obstacle presented by the customary two-thirds rule, on the tenth day of the convention a resolution was adopted to adjourn to meet in Baltimore on the 18th of June, and to recommend to Democrats to fill the vacancies made by the withdrawal of delegates. The seceders who had met in another hall, with Senator James A. Bayard of Delaware in the chair, adjourned to meet in Richmond on the 11th of June.

It is worthy of note, as evidence of the extent to which Democratic leaders were committed to the new dogma, that, in the interim between the adjournment of the Charleston conventions and their re-assembling at Baltimore, the resolutions of Mr. Davis were adopted *seriatim* by a decided majority of the Senate, both Northern and Southern Democrats sustaining them unitedly, with the exception of Mr. Pugh.[1] Mr. Douglas was absent. Thus the party, to the extent the Senate had the power, was committed to the doctrine of the ultraists as set forth in the fourth, fifth and sixth propositions of Mr. Davis. And yet when the South asked the Northern Democrats in national convention to declare that the right to hold slaves in the territories could not be "destroyed or impaired by Congressional or territorial legislation," and that when necessary it was the duty of the federal government to protect slave property in the territories, they refused. Whatever Senators might consent to, delegates elected in district and State conventions refused to repudiate the doctrine of popular sovereignty which but a few years before had been accepted as party doctrine—particularly the doctrine of the South.

The Richmond convention, after assembling, adjourned to meet in Baltimore on the same day as the regular convention. Under pressure from the friends of Mr. Buchanan the seceders had been induced to take this course and attempt to get control of the convention. They were favored by Caleb Cushing, the permanent chairman of the regular convention, but the friends of Mr. Douglas would not consent to the re-admission of the seceders where other delegates, as in the case of

[1] *Rise and Fall of the Confederate Government*, vol. i., p. 44.

Louisiana, had been elected in the interim to fill the seats they had vacated. After five days spent in conferences, the seceders failing to secure admission for all to the regular convention assembled in the Front Street Theatre, organized a new convention at the Maryland Institute, where they were joined by Caleb Cushing and other Massachusetts delegates. They adopted the Davis platform and nominated a ticket — John C. Breckinridge of Kentucky for President and Joseph Lane of Oregon for Vice-President. David Tod of Ohio took the chair in the regular convention, made vacant by the withdrawal of Caleb Cushing, and the work of that body was completed without further interruption. The nomination of Mr. Douglas, now inevitable, was received with great enthusiasm. The second place was given to Benjamin Fitzpatrick of Alabama but on his declining Herschel V. Johnson of Georgia was substituted in his place.

The nomination of the Illinois Senator fell under the condemnation of Franklin Pierce, who pronounced it a sectional one[1]; to which Senator Pugh forcibly and truthfully replied that the convention at the Maryland Institute was as purely sectional as the Southern Commercial Convention, and in proof he cited the fact that there were fourteen States from which there was either no delegate at all, or no delegate who pretended to represent the will of his people. Mr. Douglas had twice withdrawn his name to promote harmony in the party— once in favor of Pierce, and again in favor of Buchanan, and had been rewarded with the ingratitude and bitter animosity of both, at the instigation, it would seem, of the extreme men of the South. And yet his doctrine of non-intervention had for some time been recognized and acted upon as the settled doctrine of the South. It was proposed now to abandon this and demand Congressional intervention for the protection of slavery in the territories as a condition of the South remaining longer in the Union.[2] This was the rugged issue within

[1] At Concord, June 25th.

[2] Letter of Alexander H. Stephens in reply to a committee of Macon citizens. *Life*, p. 357.

the Democratic party. What the end would be was described by Mr. Stephens in an interview with his biographer after the adjournment of the Charleston convention:

Mr. J.—"What do you think of matters now?"

Mr. S.—"Think of them? Why, that men will be cutting one another's throats in a little while. In less than twelve months we shall be in a war, and that the bloodiest in history. Men seem to be utterly blinded to the future. You remember my reading to you a letter which I wrote to a gentleman in Texas asking the use of my name in his State as a candidate for the presidency?"

Mr. J.—"The one in which you said that we should make the Charleston convention a Marathon or a Waterloo?"

Mr. S.—"Yes. Well, we have made it a Waterloo."

Mr. J.—"But why must we have civil war, even if the Republican candidate should be elected?"

Mr. S.—"Because there are not virtue and patriotism and sense enough left in the country to avoid it. Mark me, when I repeat that in less than twelve months we shall be in the midst of a bloody war. What is to become of us then God only knows. The Union will certainly be disrupted; and what will make it so disastrous is the way in which it will be done. The Southern people are not unanimous now, and will not be, on the question of secession. The Republican nominee will be elected. Then South Carolina will secede. For me, I should be content to let her have her own way, and go out alone. But the Gulf States will follow her example. The people are by no means unanimous; but the majorities will follow her. After that the border States will hesitate, and this hesitation will encourage the North to make war upon us. If the South would unanimously and simultaneously go out of the Union we could make a very strong government. But even then, if there were only Slave States in the new confederacy, we should be known as the Black Republic, and be without the sympathy of the world."[1]

Fittingly the National Committee of the Republican party had selected a city within the territory dedicated to freedom by the immortal Ordinance of 1787 in which to hold the presi-

[1] *Life*, p. 355.

dential convention of the new party in 1860. Chicago was already the centre of the section within which there was the greatest activity in material and political development; hither came the intelligent and enterprising young men of the Atlantic States, and the industrious and liberty-loving Germans and Scandinavians, seeking opportunity to make homes with their own labor and skill; and here rather than elsewhere must the new party lay foundations upon which to build for the future. The assembling of the convention had been looked forward to with keen interest, as it was believed that it would name the next President, if a prudent choice should be made. Great anxiety on this point was widely manifested. For months prior to the meeting of any of the State conventions, there had been an interchange of views among leading men in all parts of the country. It was known that Mr. Seward and Mr. Chase, the two most conspicuous leaders of the new party, would be candidates before the convention, and the question first asked by the uncommitted was, "Can either of them carry enough of the doubtful States to win?" The doubtful States were New Jersey, Pennsylvania, Indiana and Illinois. Pennsylvania and Indiana were known as October States, and if the Republicans could elect State officers in them as well as in Ohio in October, the battle would be won, and the question left for November in other Northern States would be merely one of majorities. The element of success, therefore, entered into every calculation and in deference to it individual preferences were expected to be sacrificed.

This was stigmatized by some as cowardly, as a desertion of the ablest and noblest exponents of the principles of the party in deference to halting conservatism. But causes, was the reply, are of greater worth than men. "If a prejudice which will defeat one man may be avoided by another who will maintain the same policy, is it cowardice to save our cause by sacrificing the man?" asked the Indianapolis *Journal*,[1] which was certain that neither Mr. Seward nor Mr. Chase could carry Indiana, and sure that either Judge McLean or Mr. Lincoln

[1] April 19, 1860.

The writer added an expression of his conviction that such a letter would give Judge McLean great weight with conservatives everywhere,

by showing that he would not compromise principle for the sake of the Chicago nomination. Should the Republicans accept him in the face of such a letter his election would be perfectly certain, for he would carry every Northern State, and we should have some chance in three or four Southern States.

Division in the counsels of conservative men led to the holding of a third-party convention with the result noted below, to the abandonment of Justice McLean, and to a feeble effort to bring forward Mr. Bates at Chicago. On May 14th, two days before the convention met, F. P. Blair, Jr., Horace Greeley, John D. Defrees and others issued an address from Chicago, recommending the nomination of Edward Bates of Missouri, a theoretical and practical emancipationist, a life-long resident of a slave State, and a conspicuous Whig. It was believed that his selection would be "a signal and final refutation of the charge of sectionalism, so unfairly yet so effectively urged against the Republican party, and would render fire-eating threats of disunion probably futile and a Republican triumph certain"; it would nearly dissolve the organization which had presented to the nation the respectable names of John Bell and Edward Everett, and bring about a hearty co-operation of "Americans," "Old Line Whigs," and "Union" men with Republicans in rescuing the country from the hands into which it had been permitted to fall. This suggestion was coldly received, as the Germans outside of Missouri and the young men who gave life and enthusiasm to the new party were opposed to respectable fossils. New elements had come to the fore, and old prejudices and theories were to be ignored. "Let the dead past bury its dead!" was the cry. The Germans in conference on the 15th gave voice to this feeling: They invited the national convention to condemn Know-Nothingism; to declare in favor of the homestead bill as it passed the House of Representatives, and to give the anti-

slavery plank of the platform the most progressive interpretation. They were represented on the floor of the national convention by two young orators of fascinating powers—Carl Schurz, who headed the Wisconsin delegation in favor of Mr. Seward, and Frederick Hassaurek, of Cincinnati, who believed Mr. Chase to be the most progressive statesman of the day.

Mr. Lincoln held to doctrine as advanced as Mr. Seward's, but he was not a conspicuous figure, and was considered available merely as a compromise candidate. Mr. Seward's "irrepressible conflict" filled the minds of many with apprehension, but, unlike the mysterious writing on the wall in the last days of Belshazzar, it needed no Daniel to interpret its meaning. Its truth was understood, but for the head of the statesman who uttered the words a reward of $50,000 had been offered, and throughout the debate during the first session of the Thirty-sixth Congress, he was the one conspicuous object of attack. It was openly declared in his presence that his election to the presidency would justify secession. And yet Mr. Seward was by nature a conservative, and was opposed to any action that would disturb the institution of slavery in the States, or endanger the peace and security of the society sustaining it. More broad-minded, more philosophical than any of his contemporaries, he discussed principles with a calm and even temper as rare as it is admirable. He was "the brightest and most shining light of that political generation," [1] and won to himself the loyal and enthusiastic support of men. In midwinter he spoke on the state of the country to an audience in the Senate that filled every available spot in the galleries and the lobbies, and was listened to with respectful attention by those who had referred to him in terms of bitterness, and his printed speech was eagerly read by millions of his fellow countrymen as the message of one who was certain to lead a great party to victory.

Ohio did not support Mr. Chase with the unanimity and cordiality he so well deserved. His ability, his upright character, his capacity for usefulness, were acknowledged, but he had been

[1] The language of Governor John A. Andrew of Massachusetts.

a Democrat, and the Republican party of the State was principally recruited from the Whigs, who were not disposed to forget past differences or to overlook the claims of Corwin, McLean, Ewing and Wade. The Cincinnati *Gazette*,[1] the oldest and most influential party journal in the West, was the exponent of this sentiment, and it succeeded in preventing the State convention from instructing the delegation for Mr. Chase. Without his own State united, with a respectable minority of able men deep in the counsels of the opposition, it was impossible to attract any considerable support from other States.

Great preparations had been made by the citizens of Chicago for this convention, the first of a series of brilliant assemblies held in that city in recognition of the indomitable spirit of enterprise and power of the Northwest. A huge structure called "The Wigwam" had been erected and appropriately decorated for this occasion, and when Edwin D. Morgan of New York called the convention to order on May 16th, the floor and galleries presented an animated scene. The eight or ten thousand people present were representatives of all that is best in free-labor civilization—of the energy and thrift, the high purpose and culture of society founded upon democratic principles. The business was conducted in the most orderly manner. There was no unseemly wrangling, no displays of personal animosity as at Charleston, but an exhibition of cordial fellowship in an effort to bring the proceedings to a successful conclusion. The spectators indulged in appreciative manifestations, thus contributing to the general good-feeling. George Ashmun of Massachusetts was made permanent president of the convention, and Judge Jessup of Pennsylvania, chairman of the Committee on Resolutions. When the latter reported the platform, Mr. Giddings moved to amend the first resolution so as to incorporate an affirmation of the principles of the Declaration of Independence, but was ruled out of order. The

[1] The active manager of the *Gazette* was Richard Smith, a man of strong individuality, the editor-in-chief, Joseph H. Barrett. Both were Whigs. Mr. Barrett was a delegate to the Chicago convention.

veteran, deeply wounded, withdrew from the hall. This incident, the only one calculated to mar the general harmony, was quickly and happily corrected. When the second resolution was read, George William Curtis, then in the morning of his great career, moved to amend by inserting the language of the Declaration of Independence where it would fit appropriately, and sustained the motion in a brief speech so felicitously worded as to command the unanimous approval of the convention.[1] When Mr. Giddings heard of this he returned to his seat with a beaming face.

The friends of Mr. Seward were present in great force. They filled the hotels, and in all public places sounded the praises of their favorite with such genuine warmth as to attach others to their cause. Thurlow Weed and William M. Evarts were the conspicuous leaders.

Seldom if ever in the whole field of political oratory have the speeches of Mr. Evarts at Chicago been equalled. Even those who most decidedly differed from him followed him from one delegation to another allured by the charm of his words. He pleaded for the Republic, for the party that could save it, for the great statesman who had founded the party, and knew where and how to lead it. He spoke as one friend for another, and the great career of Mr. Seward was never so illuminated as by the brilliant painting of Mr. Evarts.[2]

It was the general belief that Mr. Seward would be the nominee. Even Mr. Greeley, who appeared as a delegate for Oregon, and who was working strenuously and ungenerously to compass the defeat of his whilom friend, telegraphed the

[1] The ever-ready correspondent who toils only for the present generation, but who unwittingly leaves permanent marks for the curious who follow after, gave this description of the author of *Nile Notes of a Howadji* and the *Potiphar Papers* as he appeared in this convention of 1860: "He is a handsome man, with a rather long and thin intellectual face, leg-of-mutton whiskers of a light color and thin texture, good eyes and a broad but not high forehead. He speaks fluently and well, but not strikingly, and would probably never make much of a figure in large, popular gatherings."—*Cf.* Cor. Indianapolis *Journal*, May 19.

[2] *Twenty Years of Congress*, vol. i., p. 166.

Tribune on the 17th that the opposition could not concentrate on any candidate, and Governor Seward would be nominated.[1] But the friends of Mr. Lincoln came to an understanding with the Pennsylvania delegation, which insured the support of that State at a critical moment.[2] In the Ohio delegation were eight active anti-Chase men—of whom three (Delano, Barrett and Carter) were originally friendly to Mr. Lincoln—and the votes of these were used to turn the tide—Indiana and Illinois being solid from the beginning for Mr. Lincoln. The Illinoisans with great shrewdness on the fateful day, while the adherents of Mr. Seward were parading the streets with bands of music, filled the galleries with their friends and so created a public sentiment within the hall in sympathy with their cause. The New York managers had committed a blunder and when they made the discovery it was too late to rectify it. The solid vote of the Empire State, the majority of the votes of New England and the eloquence of William M. Evarts and Carl Schurz were insufficient to carry the vote for Mr. Seward to a majority of the convention. He lost four votes on the

[1] It is related by Thomas H. Dudley of New Jersey, a delegate in the convention of 1860, that Governor Andrew, on behalf of New England, visited the delegations of the doubtful States and promised that if they could agree on a single candidate New England would give him enough votes to place him in nomination, but notified them that if they could not agree then the Atlantic States would vote for Mr. Seward. A conference of the doubtful States was held without an agreement being reached, when the question was referred to a committee of three from each State, which was in session most of the night. At ten o'clock "the white head of Horace Greeley was thrust into the room," and he was told nothing had been done. It was then he telegraphed the *Tribune* that Mr. Seward would be nominated. An agreement that the doubtful States should combine on Mr. Lincoln was reached a few hours later.—See *The Century Magazine*, July, 1890, p. 477. The report of the proceedings of the convention shows that Gov. Andrew worked to the last with energy and zeal for the nomination of Mr. Seward.

[2] Some of Mr. Lincoln's Illinois managers had a private conference with the Pennsylvania delegation. When one of the most zealous of these emerged from the room he was accosted by David Davis, who had been pacing the floor impatiently, with the inquiry, "What about the Pennsylvanians?" "We have got them," was the reply; "we promised them everything in sight." One of the things in sight was a protective tariff policy. With this as a text, Andrew G. Curtin was chosen Governor in October by a majority of 32,000.

third ballot, and then the break was to Abraham Lincoln, whose nomination was announced to the people of Chicago by the firing of a cannon planted on the roof of the Tremont House.[1] The joy and enthusiasm were universal. After order had been restored in the hall, Mr. Evarts on behalf of New York promptly moved to make the nomination unanimous, and John A. Andrew and Carl Schurz seconded the motion in brief remarks calculated to soften disappointment. The ticket was completed by the nomination of Hannibal Hamlin of Maine, a former Democrat, for Vice-President.

There was no lack of virility in the clauses of the platform relating to the slavery issue, and threats of disunion were denounced "as denying the vital principles of free government, and as an avowal of contemplated treason, which it is the imperative duty of an indignant people sternly to rebuke and forever silence." The convention took advantage of the reaction in public sentiment against a free-trade policy to make this moderate declaration in favor of a revision of the tariff:

> That, while providing revenue for the support of the general government by duties upon imports, sound policy requires such an adjustment of these imposts as to encourage the development of the industrial interests of the whole country; and we commend that policy of national exchanges which secures to the workingman liberal wages, to agriculture remunerative prices, to mechanics and manufacturers an adequate reward for their skill, labor and enterprise, and to the nation commercial prosperity and independence.

If one could accept the opinions of orators and press bearing one party label as to the principles and aims of those cherishing a different label, there was but one really national party contending for the suffrages of the people in 1860,—the Constitutional Union party,—whose candidates, John Bell of Tennessee and Edward Everett of Massachusetts, had been nominated at Baltimore in the second week of May. The

[1] Under the direction of John B. Drake, the proprietor, who employed Captain Ellsworth for that purpose. Ellsworth was in less than a year assassinated at Alexandria, Va.

convention was made up of those Whigs of the North, of whom Washington Hunt of New York and the coterie of friends of Mr. Webster in Boston were representatives, who refused to be reconciled to the views of the Republicans, and of those Whigs of the South who, retaining an hereditary animosity towards the Democratic party, sincerely believed that its principles were tending to the destruction of the Union. The most conspicuous of this class was Mr. Crittenden, who refused the use of his name on any ticket. He had proposed the name National Union party, but it being suggested by William C. Rives that Southerners confounded national with consolidated, and that there was still a deep reverence among the people for the Constitution as the legitimate basis on which the Union rests,[1] *Constitutional* was substituted for *National*. The new party had no other platform than the Constitution and the Union. Its purpose was to create such a preponderance of conservative sentiment as should crush out sectional strife. The men thus associated together in a common cause generally believed the institution of slavery to be an evil—an evil, though ineradicable, that ought not to be permitted to destroy national concord.

> Our people [said Nathan Appleton, of Boston] are opposed to slavery in the abstract, but the wisest and best informed, looking at it as a practical question, see the utter impossibility of abolishing it at present. Besides the annihilation of more than a thousand millions of property, the idea of converting three millions of slaves into freemen is simply preposterous. If done at all it will be only by blood and a war of extermination.[2]

The American of to-day, in looking back upon the time of the sectional controversy, with the light of our country's subsequent history only to guide him, doubtless finds it difficult to realize the feeling of dread and almost horror that then arose whenever sudden emancipation was contemplated as a possibility. While there is yet evidence of friction between

[1] *MS.* Crittenden Papers. Letter dated Castle Hill, Jan. 9, 1860.
[2] *MS. Ibid.* Letter dated Dec. 17, 1859.

the races, he sees none of those direful results predicted constantly for half a century. America is still the great source of cotton supply; there has not been a repetition of the atrocities of San Domingo, and the African is not relapsing into barbarism, but he exhibits evidence of a higher intelligence and is surely working his way into a position of manly independence. But to return to Mr. Appleton, who next considers the threats of disunion.

I regret [he continues] to see the intense excitement of the South and their readiness for a dissolution of the Union. Can any sane man think that this can be brought about under the present state of excitement without a bloody civil war? He must, I think, be equally ignorant of the nature of man and the teachings of history. The great danger it appears to me is, that in this state of excitement some act may be done which cannot be recalled, and that the great desideratum is to allay the feeling of the day, in the hope that reason may resume her empire through the whole country. With a little time there can be no doubt that a spirit of conservatism will show itself to be the predominant feeling of the whole country, and that the efforts of the wise and the good will bring about a better state of things.

The task which the members of the Constitutional party set for themselves was highly patriotic, but it is evident that they did not dream that the demand that the government should interpose to protect slave property in the territories was being used as a wedge to divide the Union by men who already had a fixed determination to found a new confederacy, and that conceding the demand would only postpone the day, when the experiment would be made. The Democratic party had been rent asunder by the very antagonism which it fomented in order to obtain a temporary ascendancy, and the Union would next fall as a sacrifice to a fatal policy.

The exceptional conditions made the campaign of 1860 the most important since the re-election of George Washington. Only through the inauguration of Abraham Lincoln, elected honestly and fairly, elected by the strict observance of all of

the forms of law, could the Constitution be tested and the rights of the majority be vindicated. A faction denied to a majority of the States the right of free selection in the electoral college, and declared that if it were exercised a minority of the States would withdraw from the Union. It was time that the intent and meaning of the Constitution should be determined in a practical manner once for all. There was nothing more sacred about the institution of domestic servitude than about any other institution of society, and if a faction interested in it could by threats of disunion, by a resort to force, intimidate the electors and obtain control of the government, another faction interested in some other institution might resort to similar tactics, and thus our republican system be thoroughly Mexicanized. The election of Mr. Breckinridge would settle nothing—it would only postpone the crisis until every fort was in command of a secessionist, every ship in the navy and every revenue cutter manned by officers and crew ready to transfer the same to a new authority, and every custom-house and the treasury itself in control of persons inimical to the Union. The election of Mr. Douglas would not satisfy this faction because his friends had refused to accept the Southern platform at Charleston, and the election of Mr. Bell would leave the question as far from settlement as ever. The broad issue of the power and duty of Congress in dealing with new territories, and of the effect of the Dred Scott decision, which had been exhaustively discussed in the Congressional debates, possessed a living interest and could not be ignored by a public speaker on the stump. In addition to these topics the warfare waged between the President and Mr. Douglas; the increase of the public debt and a reform in the tariff laws so as to revive American industries never failed to command close attention from any audience in the Northern States.

The canvass was a thorough discussion of vital questions. It was conducted on behalf of the Republican party by young men who constituted the chief strength of the party and who had little experience in political management. The cause and the unexceptionable candidates required no intriguing, no vast

treasury, no adventitious aids, to secure a hearing and popular support. The organization of companies of "Wide-awakes" throughout the North was to meet a desire for closer association among the young, and to open a way for their active participation in the work of the campaign. In uniform, marching in military step and carrying lighted torches or Roman candles, they presented at night a brilliant and inspiring spectacle, which only heightened the interest with which the people listened to the speeches of the many distinguished statesmen who appeared upon the stump. Mr. Seward travelled as far west as Iowa, and made several notable speeches. His magnanimity, the uniform good feeling and zeal he displayed in the campaign made a favorable impression.[1] But others, his peers in party councils, deserved as well the public applause.

Mr. Douglas conducted his own campaign with characteristic vigor, being ably supported by Pugh and other brilliant lieutenants. He himself spoke to countless thousands of his fellow countrymen, defending his policy of non-intervention and exposing the weakness of his opponents with a tact, a plausibility and a thoroughness few living men could equal. No other speaker of the day attracted such crowds, no other was received with such demonstrations of popular appreciation. He did not remain in the North, but penetrated the section apparently given over to the control of the disunionists. At Norfolk and at Montgomery he was asked the question if the election of Abraham Lincoln would be a sufficient cause to justify the Southern States in seceding from the Union, to which he replied with an emphasis and directness that admitted of no doubt of his position: "The election of a man to the presidency by the American people in conformity with the Constitution of the United States would not justify any attempt at dissolving this glorious confederacy," a declaration

[1] "The magnanimity of Mr. Seward, since the result of the convention was known, has been a greater ornament to him and a greater honor to his party than his election to the presidency would have been."—James Russell Lowell in the *Atlantic Monthly*, Oct., 1860.

that was received with cheers[1] even in Alabama, where the first steps in revolution had already been taken. When a similar question was put to William L. Yancey, by a citizen of New York at Cooper Union, he replied evasively with the purpose of deceiving his audience, and two weeks later at Montgomery boasted of it.[2]

Notwithstanding that the early elections in the New England States were favorable to the Republicans, there was a good deal of anxiety in the North lest the election should go to the House of Representatives in which the Republicans could only control the votes of fifteen out of thirty-three States. The efforts of the Constitutional Union party and of the Breckinridge party were alike directed to this contingency, for it was the general opinion that no other of the candidates could win votes from the opposition parties.[3] In case an election by the House should fail, the Senate would choose Joseph Lane. This contingency brought about a dangerous fusion in New York. The great October States, Pennsylvania, Ohio and Indiana, were carried for the State tickets by decisive majorities, which showed the popular drift to be towards the Republican party. In Pennsylvania, Andrew G. Curtin, the candidate for Governor, made the tariff question prominent and won many doubtful votes. In Indiana the Republican candidate for Governor, Henry S. Lane, a former Whig, found that old party associates who had before been implacable were reached through the tariff plank of the Chicago platform. It was believed that the votes of the October States settled the presidency, but the opposing parties made a last desperate effort in New York to defeat Mr. Lincoln, by effecting a fusion favorable to Mr. Douglas. If they had succeeded, Mr. Lincoln would have had but 145 electoral votes and the combined opposition 158. New York, however, went with New Eng-

[1] *The Cradle of the Confederacy.*

[2] Montgomery *Advertiser*; also, *The Cradle of the Confederacy.*

[3] The managers of each believed it possible to succeed in the House. "If the election goes to the House Breckinridge's election is certain."—*MS.* Letter of John W. Stevenson to Thomas B. Stevenson, July 19th. Stevenson Papers. But Bell stood a better chance there.

land, Pennsylvania, Ohio, Indiana and the Northwest. In New Jersey four Lincoln electors and three "Fusion" were chosen. In the two Pacific coast States the Republican ticket received pluralities; in every other free State except New Jersey, an absolute majority. Douglas carried Missouri and received the votes of three electors in New Jersey. Bell carried Maryland, Virginia and Kentucky, and Breckenridge the rest of the slave States.[1]

The result in the South was a triumph of Union sentiment. The combined vote of Bell and Douglas was 690,000, and the vote for Breckinridge 561,000. In the Gulf States there was, in a poll of 330,000, a bare majority of 14,000 for Mr. Breckinridge. While 172,000 men stood by Mr. Yancey, there were 157,000 who stood with Mr. Bell for "the Constitution, the Union and the enforcement of the laws," or with Mr. Douglas in denying the right and policy of secession in the event of Mr. Lincoln's election.[2] That this Union sentiment should be finally overcome was a grievous disappointment to thousands who were afterward coerced to the support of the Confederacy. It simply was surprised by an organized force directed by men who knew what they wanted.

The sentiment of a majority of the people of the North was determined, but as ill-boding signs on the Southern horizon multiplied, portending a national calamity, many demanded that an attempt at conciliation and compromise should be made anew; some were even so craven as to advise the acceptance of whatever terms the secessionists might offer.[3] Prompt action by those who, in anticipation of this opportunity, had

[1] The electoral vote was: Lincoln, 180; Breckinridge, 72; Bell, 39; Douglas, 12. In the border slave States over 26,400 ballots were cast for Mr. Lincoln.

[2] *The Cradle of the Confederacy.*

[3] The following amazing propositions and suggestions, made by a prominent citizen of a Middle State to the people of the South, illustrate the text:

"1. That all the offensive and insulting legislation of the North be at once repealed.

"2. That the negro be declared, by an amendment to the Constitution, incapable of citizenship, or of participating in any election for national officers.

"3. That the general government be deprived of the power of appointing

already taken steps to precipitate secession and form a new confederacy, rendered the possibility of uniting conservative people on any plan of pacification more and more doubtful from day to day. Before the ballots were cast for President, Governor Gist addressed a message to the South Carolina Legislature recommending that a convention of the people of the State be immediately called in the event of the election of Mr. Lincoln; that the military force of the State should be placed in a position to be used at the shortest notice; that the men between the ages of eighteen and forty-five should be efficiently armed, and the services of ten thousand volunteers be accepted. The indications were that the Gulf States would follow the course of South Carolina, and that finally the whole South would be united. In the preceding January the Legislature of Alabama had instructed the Governor of that State

to local offices, in the Southern States, men inimical to their institutions and rights.

"4. That the Supreme Court be so regulated that the South might always have an equality, when questions involving their rights were before it.

"5. That proper and perfect guarantees be given for the protection of slavery in the District of Columbia till Maryland gives freedom and the taxables of the District demand emancipation.

"6. That similar guarantees be given that the transmission of negroes between the Southern States shall never be interfered with.

"7. That the tariff of duties have a constitutional limit of not more than 20 per cent., so that it may never prove an undue favor to one section, or an oppression to another.

"8. That such modifications be made in the mode of choosing presidential electors as may give a just and due representation to minorities in the electoral colleges and secure the country forever hereafter from a purely sectional election of President.

"The territorial question I would leave for the present in abeyance: the South would gain nothing now, practically, by a formal recognition of her disputed rights. She has these indeed nominally, and the Supreme Court has confirmed them in a decision, to which very many are disposed to bow who do not approve of it. When hereafter a question may arise as to further acquisitions at the South, those who demand it may depend upon the support of their friends forming the minority at the North, and still more surely on that spirit of acquisitiveness so general among nations as among men, which would be very apt to prevail even in New England, if it could be shown that their commerce and manufactures would greatly gain by it."

to call a convention if a Republican should be elected President, such early legislation being advised by the secessionists, doubtless, to compel prompt action if the executive were disposed to palter.

The telegraphic news from New York on the morning of the 7th of November found the people of Alabama in that state of excitement which precedes the execution of some fateful deed. The leader who had planned for this for ten years, — who had spoken in graceful, even eloquent terms of the Union, with a heart filled with bitter hatred, —resolving not to permit time for reflection, or for the forty-one thousand voters of the State who repudiated Breckinridge to rally, promptly called on the people to organize.

> We can now enforce a peaceable secession [he urged with plausibility]. The time may come, will come, must come, if you delay, when you can gain your freedom, if at all, only as the Colonies gained it when they separated; only as our fathers gained it when they fought the battle of disunion through toil and bloodshed, through courage and desolation.[1]

And what he meant by peaceable secession Mr. Yancey explained in a speech before a mass meeting on the 8th of November.

> I have good reason to believe [said he] that the action of any State will be peaceable—will not be resisted—under the present, or any probable prospective condition of federal affairs. I believe there *will not be power to direct a gun against a sovereign State. Certainly there will be no will to do so during the present administration.*[2]

Secessionists held seats in Mr. Buchanan's Cabinet; they influenced his deliberations; they controlled the War and Treasury departments; they paralyzed the legislature while the revolution they had planned swept the States into a course from which they could not, from which it was intended they should not, turn. The election of Mr. Lincoln was a pretext

[1] Montgomery *Advertiser*, Nov. 8th.

[2] *Ibid.*; also, *The Cradle of the Confederacy*, p. 466.

only; slavery agitation was a means convenient for their purpose; the political power which they had enjoyed for nearly half a century had been taken from them, and supremacy could be regained only in a new confederacy in which their social system should be paramount.[1]

The plans of the secessionists were temporarily interrupted by the bold stand taken in Georgia by Alexander H. Stephens and Benj. H. Hill against secession. Mr. Toombs and others, fearing that a convention might not be sufficiently complaisant,[2] sought to influence the State Legislature to take immediate action looking to a withdrawal from the Union. "When revolutions begin, constitutions end"—an epigram that expresses the Georgia Senator's views.[3] Mr. Stephens advised against precipitate action, and declared in a speech before the Legislature on the 14th of November, that the election of no man, constitutionally chosen to the office of President, would be a sufficient cause for any State to separate from the Union; and that it was the duty of the people of Georgia, many of whom had sworn to support the Constitution of the United States, to aid still in maintaining it. This view was endorsed two days later by the largest meeting ever held in Greene County, and by another mass meeting in Hancock County on the 17th. Resolutions which were unanimously adopted justly indicted a class of politicians common to both sections, who, instead of repressing national distrust, promoted it; instead of removing causes of dispute created them for selfish purposes.

They have pandered to the passions and prejudices of the people at home, keeping each section ignorant of the patriotic, conservative, catholic feeling, until exasperated by the incendiary and disorganizing representations of hungry office-seekers, both sections

[1] These facts were not generally understood at the time, but have been made clear by information obtained since the inauguration of the Confederacy.

[2] "I am afraid of conventions," said Mr. Toombs.

[3] "I do not wish the people to be cheated," was Mr. Toombs's apology when he was criticised for proposing to submit to a vote the question in this form, "Will you submit to Abolition rule or resist?" He had said on another occasion, "My first, my only allegiance is due to Georgia."

find themselves engaged in a fierce controversy which they had no hand in bringing on.[1]

This feeling, though widely extended, was not sufficiently formidable, especially as it received no encouragement from the national administration, to stay the tide of secession. The Georgians, as were the people of other States where there was a strong Union sentiment, were borne along upon currents which there was no hope of resisting. This was so apparent by the 30th of November that Mr. Stephens wrote despondingly that all efforts to save the Union would prove unavailing. "The truth is our leaders and public men who have taken hold of this question, do not desire to continue it on any terms. They do not wish any redress of wrongs; they are disunionists *per se*, and avail themselves of present circumstances to press their objects." [2]

[1] Augusta *Chronicle and Sentinel*, Nov. 20th. The secessionists were using, to fan the flames in the South, reckless language attributed to Wendell Phillips, whom they described as "the boldest and most philosophic leader of the Lincoln party." The quotation which served to make secessionists of Union men was this: "No man has a right to be surprised at this state of things. It is just what we have attempted to bring about. It [the Republican party] is the first sectional party ever organized in this country. It does not know its own face and calls itself national. The Republican party is a party of the North pledged against the South."

[2] *Life*, p. 369.

CHAPTER XI

SECESSION AND REBELLION—LAST ATTEMPTS AT COMPROMISE—THE CONFEDERATE SOUTH

IT was unfortunate for Mr. Buchanan and unfortunate for the country in this crisis that he had forfeited the confidence of the intelligent people of the North by an exhibition of intense partisanship in the attempt to force the Lecompton constitution upon an unwilling community. His desertion of Walker and Stanton because they refused to be the instruments of fraud; the defences he set up in extenuation of wrongs repeatedly committed and exposed, and his flagrant misrepresentations of the motives and the acts of the great body of the citizens of the free States, were so many reasons for distrusting him when he was brought face to face with a threatened disruption of the Union. He no longer commanded the respect even of the Southern extremist, who, as we have seen, held him to be committed to a policy of inaction. Whether placed in that position by an understanding with the secession leaders or by indirect commitment through members of his Cabinet does not matter: he was powerless to influence or restrain the Hotspurs who had enjoyed his most intimate confidence, and who treated with contempt the arguments and appeals of his message of the 3d of December. Granting that for the sake of arousing the country to a realization of the gravity of the situation he exaggerated the supposed offences of one section, the belief was that this message was only another chapter of political unfairness, completing the history of an administration which had been condemned by

the people. But the probability is that he really meant what the language of his message implies, that the Northern States generally had placed upon their statute books laws for the express purpose of defeating the execution of the fugitive acts, which he held to be unconstitutional and void. While it was not true that this had been done by any considerable number of the States of the North; while it was conceded by prominent Democratic statesmen that the fugitive laws had been administered with fairness, firmness and remarkable success; while Mr. Yancey had publicly declared that nothing had been done since 1851 of which the South *could justly complain;* and while Mr. Buchanan declared that "no single act had ever passed Congress, unless the Missouri Compromise be an exception, impairing in the slightest degree the rights of the South to their property in slaves," yet the impression left by the message was that the Northern people were guilty of aggressions upon the Southern people, and that if the offending States did not promptly repeal the statutes to which exception was taken, "the injured States, after having used all peaceful and constitutional means to obtain redress, would be justified in revolutionary resistance to the government of the Union." The President knew that the people of the free States had early repelled the doctrine that a State could nullify a United States law. How had they invaded any clearly defined right of the slaveholders? They held slavery to be an evil, to be morally wrong: so had Washington and Jefferson, so had Clay and many of his contemporaries; so did Christendom hold it to be. But the South could be deprived of rights only by the general government, and they had been to all intents and purposes the government—the executive and legislative departments had been under their control. Then how justify the application of the right of revolution to the situation in which the Southern States were placed at this time? The effect was immediately mischievous, and, following the sensational and unwarranted arraignment of one section, the message was interpreted to Mr. Buchanan's hurt.

The right of revolution against an intolerable tyranny was

universally conceded. If that right had been affirmed by Mr. Buchanan simply as a prelude to his able argument against the right of a State to secede, he would have been understood at the North and his argument would have been no less effective in the South. It was all that any one could ask for in its denial of the doctrine that the Constitution in any of its provisions, in spirit, or in the purposes for which it was formed, or in the method by which it was accepted by the States, justified a State in withdrawing from the compact without the consent of the other States, belonging to the Union. It likewise argued with great clearness the manner in which the federal government could constitutionally enforce obedience to the laws of the United States on the part of the individual citizens of a State withdrawn from the Union or seeking to withdraw from it. Custom-houses and courts were under the control of the general government, and through them the laws could be enforced, to the aid of which the whole power of the government could be brought. The inhabitants of a State are the State, said Jefferson Davis, while Northern press and people had little patience with the nice distinction involved denying to the government the power to coerce a State, while claiming for it the right to compel the individual citizens of a State to obey the laws enacted by the Congress. We are bound to take notice of the fact that this very policy was continued by Mr. Lincoln until after the fall of Fort Sumter.[1] Nevertheless, the immediate effect of Mr. Buchanan's statement of the case was to strengthen the disunion movement, to make the Southern people believe that after all they were oppressed. The fatal doctrine of the resolutions of 1798–99, which made each State the sole judge of wrongs and of the time and method of redress, being the basis of Southern Democracy, made it practically impossible to interpose any plan to stay its application in a time of general commotion.

The President recommended that Congress propose to the

[1] See Curtis's *Life of James Buchanan*, vol. ii., for an exposition of this whole subject.

States the adoption of an amendment to the Constitution settling the

true construction of the Constitution on three special points: First. An express recognition of the right of property in slaves in the States where it now exists or may exist. Second. The duty of protecting this right in all the common territories throughout their territorial existence, and until they shall be admitted as States into the Union with or without slavery, as their constitutions may prescribe. Third. A like recognition of the right of the master to have his slave who has escaped from one State to another restored and "delivered up" to him, and of the validity of the fugitive slave law enacted for this purpose, together with a declaration that all State laws impairing or defeating this right are violations of the Constitution, and are consequently null and void.

Both Houses, acting on this suggestion, appointed committees to consider the state of the nation and to formulate legislation to heal disaffection. In the House a committee of thirty-three was appointed with Thomas Corwin as chairman; in the Senate a committee of thirteen of which Mr. Powell of Kentucky was chairman.[1] Before this action had been taken, however, several secessionists made speeches of great significance—to the regret of Mr. Crittenden, who was filling the rôle of pacificator, so long that of another and greater Kentuckian.

On the conclusion of the reading of the message in the Senate, December 4th, Mr. Clingman of North Carolina expressed his dissatisfaction with it. The menace to the South was not in the election of a dangerous man to the presidency, —that in our complicated system might very well occur by accident,—but in the fact that Lincoln had been elected "because he was known to be a dangerous man." The hope that harm could not result from the election because a majority of the Senate was politically antagonistic was fallacious. Changes

[1] The Senate committee consisted of representative men who had the confidence of the whole country. Besides Mr. Powell, chairman, there were Mr. Seward, Mr. Collamer, Mr. Bigler, Mr. Hunter, Mr. Toombs, Mr. Davis, Mr. Rice, Mr. Crittenden, Mr. Douglas, Mr. Wade, Mr. Doolittle and Mr. Grimes—appointed Dec. 18, 1860.

would soon take place which would alter the political character of that body. The true policy of the South was to meet the issue *in limine*, and he hoped it would be done. Whatever was done should be done peaceably. Let the public property be divided and the debts fairly apportioned. The Southern States had no fears for the future. They were in possession of more territory than the thirteen Colonies had when they seceded from Great Britain, a territory capable of supporting a population of three hundred millions. They were rich in resources. In 1859 their exports realized more than $300,000,000. If their imports equalled this sum a tax of ten per cent. would give them a revenue twice as much as General Jackson's administration spent in its first year. This would enliven business in the seaboard towns. Already manufacturing industries had been started in North Carolina which paid a profit of fifty per cent. on production, and these extended throughout the South would give an impetus to business generally.[1]

Wigfall of Texas, contemplating with satisfaction the returns of the custom-houses, exclaimed in triumphal tones that cotton was king.

> I say that cotton is king, and that he waves his sceptre not only over these thirty-three States, but over the island of Great Britain and over continental Europe, and there is no crowned head who does not bend the knee in fealty and acknowledge allegiance to that monarch. There are five millions of people in Great Britain who live upon cotton. You may make a short crop of grain, and it will never affect them, but you may cram their granaries to bursting and exhaust the supply of cotton for one week, and all England is starving; and we know what men do when suffering from famine. They do not burst open barns and divide the corn. In their frenzy they burn and destroy.

Five million bales at least they would raise yearly, when free, and spurning with contempt the paltry ten per cent. which Clingman put upon the imports they expected to fill their ports, he spoke of twenty, forty per cent., but not wishing to

[1] *Cong. Globe*, Dec., 1860.

be pinned to a definite figure added in a burst of confidence: "What tariff we shall adopt, as a war tariff, I expect to discuss in a few months, and in another chamber." Having the Yankees in the pillory, he proceeded to the work of terrifying them.

> You suppose that numbers constitute the strength of governments in this day. I tell you that it is not blood; it is the military chest; it is the almighty dollar. When you have lost your market; when your operatives are turned out; when your capitalists are broken, will you go to direct taxation? When you cease to have exports, will you have imports?[1]

Another Southern speaker, gloating over the anticipated distress of the North resulting from the inability to obtain cotton without the consent of the South, declared that in a few weeks or months the Northern merchants would be on their knees begging for relief—that a rebellion of the people would compel the administration of Lincoln to accept whatever terms the triumphant South might offer. Such optimistic views overcame the objections of thousands who were attached to the Union and swept them into rebellion.

Senator Iverson of Georgia, was patronizing and scornful by turns. He spoke as early as the 5th of December.

> When we go out to form our confederacy [said he],—as I think and hope we shall do very shortly,—the federal government will see its true policy to be to let us go in peace and make treaties of commerce and amity with us, from which they will derive more advantages than from any attempt to coerce us. They cannot succeed in coercing us. If they allow us to form our government without difficulty, we shall be very willing to look upon them as a favored nation and give them all the advantages of commercial and amicable treaties.

Threats of coercion were met with coarse bravado quite characteristic of a class of men of the time. "Men talk sometimes about their eighteen millions who are to whip us; and yet we

[1] *Cong. Globe*, p. 73.

would soon take place which would alter the political character of that body. The true policy of the South was to meet the issue *in limine*, and he hoped it would be done. Whatever was done should be done peaceably. Let the public property be divided and the debts fairly apportioned. The Southern States had no fears for the future. They were in possession of more territory than the thirteen Colonies had when they seceded from Great Britain, a territory capable of supporting a population of three hundred millions. They were rich in resources. In 1859 their exports realized more than $300,000,000. If their imports equalled this sum a tax of ten per cent. would give them a revenue twice as much as General Jackson's administration spent in its first year. This would enliven business in the seaboard towns. Already manufacturing industries had been started in North Carolina which paid a profit of fifty per cent. on production, and these extended throughout the South would give an impetus to business generally.[1]

Wigfall of Texas, contemplating with satisfaction the returns of the custom-houses, exclaimed in triumphal tones that cotton was king.

> I say that cotton is king, and that he waves his sceptre not only over these thirty-three States, but over the island of Great Britain and over continental Europe, and there is no crowned head who does not bend the knee in fealty and acknowledge allegiance to that monarch. There are five millions of people in Great Britain who live upon cotton. You may make a short crop of grain, and it will never affect them, but you may cram their granaries to bursting and exhaust the supply of cotton for one week, and all England is starving; and we know what men do when suffering from famine. They do not burst open barns and divide the corn. In their frenzy they burn and destroy.

Five million bales at least they would raise yearly, when free, and spurning with contempt the paltry ten per cent. which Clingman put upon the imports they expected to fill their ports, he spoke of twenty, forty per cent., but not wishing to

[1] *Cong. Globe*, Dec., 1860.

be pinned to a definite figure added in a burst of confidence: "What tariff we shall adopt, as a war tariff, I expect to discuss in a few months, and in another chamber." Having the Yankees in the pillory, he proceeded to the work of terrifying them.

> You suppose that numbers constitute the strength of governments in this day. I tell you that it is not blood; it is the military chest; it is the almighty dollar. When you have lost your market; when your operatives are turned out; when your capitalists are broken, will you go to direct taxation? When you cease to have exports, will you have imports?[1]

Another Southern speaker, gloating over the anticipated distress of the North resulting from the inability to obtain cotton without the consent of the South, declared that in a few weeks or months the Northern merchants would be on their knees begging for relief—that a rebellion of the people would compel the administration of Lincoln to accept whatever terms the triumphant South might offer. Such optimistic views overcame the objections of thousands who were attached to the Union and swept them into rebellion.

Senator Iverson of Georgia, was patronizing and scornful by turns. He spoke as early as the 5th of December.

> When we go out to form our confederacy [said he],—as I think and hope we shall do very shortly,—the federal government will see its true policy to be to let us go in peace and make treaties of commerce and amity with us, from which they will derive more advantages than from any attempt to coerce us. They cannot succeed in coercing us. If they allow us to form our government without difficulty, we shall be very willing to look upon them as a favored nation and give them all the advantages of commercial and amicable treaties.

Threats of coercion were met with coarse bravado quite characteristic of a class of men of the time. "Men talk sometimes about their eighteen millions who are to whip us; and yet we

[1] *Cong. Globe*, p. 73.

have heard of cases in which just such men had suffered themselves to be switched in the face, and trembled like sheep-stealing dogs, expecting to be shot every minute."[1] Before Lincoln's inauguration five States, perhaps eight, would be out of the Union. When that deed should be accomplished he should like to see the man who would propose a declaration of war against them. The fifteen slave States, or even the five then moving, banded together in one government, would defy the world in arms. If the world could not overcome them, much less could the Northern States. There "was a clog in the way of the lone-star State of Texas in the person of her Governor," who refused to convene the Legislature to aid the disunionists, but if he should continue obdurate, the Georgia Senator was sure "some Texan Brutus" would arise "to rid his country of the hoary-headed incubus," who stood between the people and their sovereign will.[2] So assassination was to be an instrument in the accomplishment of their purpose! Let it be remembered that all this and volumes more equally bad was spoken in a deliberative body by Senators who had taken a solemn oath to obey the Constitution, and who had already determined to overthrow the government.

The facts would justify a broader statement, but the method of our narrative does not call for the development of all the intricacies of the secession plot. A few of the most striking incidents shall suffice. On the 14th of December thirty members of Congress, representing in part the Gulf States and Arkansas and South Carolina, and including Senators Davis and Brown of Mississippi and Senators Benjamin and Slidell of Louisiana,—men who spoke authoritatively for their section, —issued the following address to their constituents, which clearly fixes the responsibility for all that followed:

The argument is exhausted. All hope of relief in the Union through the agencies of committees, Congressional legislation or constitutional amendment is extinguished, and we trust the South

[1] *Cong. Globe*, p. 11.

[2] The Governor who had the courage to resist the secessionists was General Sam Houston, the hero of Texas.

will not be deceived by appearances or the pretence of new guarantees. In our judgment the Republicans are resolute in the purpose to grant nothing that will or ought to satisfy the South. We are satisfied the honor, safety and independence of the Southern people require the organization of a Southern confederacy—a result to be obtained only by separate State secession—that the primary object of each slaveholding State ought to be its speedy and absolute separation from a Union with hostile States.

This was less than two weeks after Congress convened, before it was possible to test the disposition of members generally, and after the Committee of Thirty-three had declared that, whether the discontent of the Southern people was justified or not, "any reasonable, proper and constitutional remedies and effectual guarantees of their peculiar rights and interests, as recognized by the Constitution, necessary to preserve the peace of the country and the perpetuation of the Union, should be promptly and cheerfully granted." This expressed the public feeling. The prompt secession of several States, as recommended above, would render the agreement on any plan of pacification more difficult.

The encouragement the Southern leaders received from Northern men was such as to make them persevere in the course they had marked out, regardless of all concessions as to a continuance of political control or to an increase of power. Early in the preceding January Jefferson Davis had received a letter from ex-President Pierce which assured him that in the event of war the fighting would not be along Mason and Dixon's line merely. it would be within the Northern States, in the streets, between the Democratic allies of the South and their political opponents. "Those who defy law and scout constitutional obligations will, if we ever reach the arbitrament of arms, find occupation enough at home."[1] Keitt electrified a South Carolina audience by assuring them that a million Democrats in the North would stand as a wall to defend them against invasion. And Senator Lane of Oregon, candidate

[1] Letter of January 6, 1860, found by Union soldiers in Jefferson Davis's Mississippi home.

for Vice-President in the campaign of 1860, in denouncing the loyal sentiments of Andrew Johnson of Tennessee, assured the secessionists that these same Northern Democrats would not march under Lincoln's bloody banner "to invade the soil of the gallant State of South Carolina when she may withdraw from a confederacy that has refused her that equality to which she is entitled as a member of the Union under the Constitution; instead of marching with him, *we will meet him there ready to repel him and his forces.*" [1] Other public men, not ready to join the military arm preparing in the South, promised to aid in paralyzing the government—a promise that some kept, while others reflected long enough to be convinced of their own folly.

The attitude of the New York *Tribune* and of the New York *Herald* confirmed the secessionists in the belief that separation would be peaceable, and that if Mr. Lincoln attempted to use force he would be unsupported. Mr. Greeley regarded "the right to secede" as identical with the right of revolution, and in this respect was more approved of by the secessionists than Mr. Buchanan. He declared that "whenever a considerable section of our Union shall deliberately resolve to go out we shall resist all coercive measures designed to keep it in." [2]

The Republicans for the most part sat silent, refusing to be drawn into debate, to the surprise and annoyance of the secessionists, who felt that they needed their help to fire the

[1] *Cong. Globe*, Dec. 10, 1860, p. 143.

[2] This course of the *Tribune*, supported with all the ability of its great editor, was continued until the new year was ushered in. The language quoted in the text was telegraphed all over the South, and threw into the ranks of the secessionists thousands upon thousands of those who had hitherto wavered. "His editorial upon the heels of the election, and while Southern blood was hot, confirmed the announcement of Mr. Yancey, that the South would be let alone, and did more to secure the secession of Alabama, Georgia and the other Gulf States than all else besides."—*The Cradle of the Confederacy*, pp. 471–474. This testimony of an intelligent Alabamian, who participated in the events which he describes, is entitled to great weight. Mr. Greeley's attempt to explain this course of the *Tribune* at a critical period—that it was intended to cause the South to pause to reflect and to strengthen the Union sentiment in the border slave States—is an explanation that does not explain. See *The American Conflict*, vol. i., pp. 358–362.

Southern heart. In the House, Mr. Sherman, leader of the majority and chairman of the Committee of Ways and Means, busy in trying to put the disordered finances of the Buchanan administration on a business basis, was impatient of all interruptions for political purposes. In the Senate the impetuous Senator from New Hampshire commented briefly and not quite fairly on the President's message,[1] but the policy of the friends of the incoming administration was to avoid collision, to say no word that could be used to excite faction or that would embarrass Mr. Lincoln. The Republican newspapers generally refrained from exasperating comments. Plain language in the Capitol or out of it was deprecated. The manner was that of one softly beating about the bush for fear of disturbing the birds that are in it.

Believing that this policy was calculated to mislead the whole country—deceive the North as to the real purposes of the leaders of the secession movement, and the South as to what those charged with the responsibility of enforcing the Constitution and the laws could do in such a crisis,—a crisis caused by a political theory which rendered a stable Union impracticable—Senator Wade, on the 17th of December, made a speech which brought the real issue into plain view. Reminding the Southern leaders that they had had control of the legislative and executive departments for forty-eight years, he asked how they could lay a complaint against a party never before intrusted with power. He declared that, as there was no new principle avowed, and as any purpose of using the victory recently won to the injury of any individual or State was distinctly disavowed, there was wanting any just ground for a disruption of the Union. A proposition was before the Senate looking to a "compromise." What was there to compromise? An election had been held in a legal and regular manner, and

[1] Mr. Hale's remarks must be considered as an attempt to put in words the impression left on his mind by the reading of the message. He thought it the part of wisdom to look the crisis squarely in the face. Of course he was misrepresented by the editors of a few newspapers, who he said felt it incumbent on them "to utter an apology about once a week, that God ever sent such miserable wretches into the world."—*Cong. Globe*, pp. 9 and 34.

the popular verdict had been declared according to the Constitution. Could that verdict be reversed by any power at this stage? What would be the effect of yielding to the dissatisfaction of a party failing to continue itself in power, or failing to get control of the government in the manner prescribed by the Constitution? You have no government; anarchy intervenes; civil war may follow it; all the evils that may come to the human imagination may be consequent upon such a course as that. The moment the American people cut loose from the sheet anchor of free government and liberty—that is, whenever it is denied in this government that a majority fairly given shall rule — the people are unworthy of free government. Turning to the Southern members, Mr. Wade asked:

> If you had elected your candidate, Mr. Breckinridge, do you believe that we would have raised a hand against the Constitution of our country because we were fairly beaten in an election? Some of you have said that the election of Mr. Lincoln showed hostility to you and your institutions. Sir, it is the common fate of parties to differ, and one does not intend to follow exactly the course of policy of the other; but when you talk of constitutional rights and duties, honest men will observe them alike, no matter to what party they belong.[1]

A speech equal in candor but of greater scope and power, thoroughly patriotic and loyal in tone, followed and occupied the attention of the Senate for two days. The secession leaders saw in Andrew Johnson of Tennessee a deadly antagonist, and they dreaded his influence on a class in the South who were not prepared to go to the length of permanent separation. The part played by Mr. Johnson at this time is of exceptional interest. The great drama is in progress; the disunionists are moving in triumph apparently to the accomplishment of their purpose, unhindered by those charged with the responsibility of keeping the citadel, when a knight bearing

[1] *Cong. Globe*, p. 103.

the Union arms challenges them and declares his purpose to maintain his cause in the last extremity by force of arms. There is then within the government a power of defence against internal foes. This power is disclosed by a fair and intelligent exposition of historical facts; it is deducible from the character of the Union. If a State can secede at will and pleasure, why cannot a majority of the States combine, as Mr. Madison said, and reject a State out of the confederacy? Have a majority of the States that right? They have no such right; the compact is reciprocal. The Constitution was ratified without reservation or condition, and it was ratified "*in toto and forever*" [1]; and there is but one way to get out of it without the consent of the parties, and that is by revolution. This reasoning was not acceptable to the radicals, who for obvious considerations wished to establish the constitutional right of a State to secede. Washington spoke of an *inseparable* Union, when he congratulated the country on the success of the general government in putting down the Whiskey Rebellion in western Pennsylvania. Where was the difference, asked Mr. Johnson, between executing the law upon a part and upon the whole? Suppose the whole of Pennsylvania had rebelled and resisted the excise law, would not it have been as competent and as constitutional for General Washington to execute the law against the whole as against a part? Mr. Johnson declared his purpose to remain in the Union, to stand by the Constitution, and to devote his life to the work of saving the greatest government on earth.

The speeches of Johnson and Wade electrified the free States and gave a firm tone to the discussions there. The position of Senator Wade was openly endorsed in meetings held in different parts of the country, as the only one consistent with the principles of an elective system, the only one by which the integrity of the Union could be maintained. This was not an occasion to give new guarantees to an institution at war with civilization, by concessions and compromises,

[1] See letter of James Madison to Alexander Hamilton, July, 1788. Hamilton's *Works*, vol. i., p. 465.

whether expressed in the form of legal enactments or of constitutional amendments.[1]

The appointment of commissioners by South Carolina, which seceded December 20th, to treat with the government of the United States concerning the new relations which were held to be established by the ordinance of secession, was the first decisive step to test the attitude of the federal government. If they should be received officially by the President it would be a recognition of South Carolina as an independent State. The issue was awaited with feverish anxiety. The commissioners arrived in Washington on the 26th, but they did not have an interview with the President until the 28th, when they were received as private gentlemen. The fact that they were received at all afforded ground for censure of the President. Their bearing was not calculated to conciliate public opinion, which was rapidly hardening against South Carolina and all who were suspected of consenting to her course. Events crowded upon each other with such rapidity as to confuse the facts and give rise to misconceptions. Major Anderson secretly withdrew from Fort Moultrie to Fort Sumter for greater security, and thereupon the State authorities made this an excuse for seizing Fort Moultrie, Castle Pinckney, the custom-house and post-office, and later the arsenal containing public property estimated to be worth half a million of dollars.

[1] Proceedings of a mass meeting held at Indianapolis, Dec. 23. The resolutions adopted were more vigorous than opinions expressed at most of the meetings held in the North at this time. They were written by Wm. P. Fishback, a rising member of the Indiana bar. These resolutions further declared that all belief in the existence of enmity to the South was without foundation, and that the impression that any existed had been created by the Democratic press of the free States; that Mr. Buchanan's course furnished sufficient ground for his impeachment, and that it was the duty of the Republican party to remain steadfast to the principles enunciated in the late canvass; repose a generous confidence in the honored citizen whom the popular will had called to the head of the government, and also in the representatives of the party in Congress, "believing that they, when the present imbecile administration retires, will be found equal to the emergency in which they are placed and that under the auspices of the President-elect, sustained as he is by the largest vote ever cast for any President in this nation, our country will go on in its career with renewed vigor and strength."

It was Mr. Buchanan's misfortune to be under suspicion, and his impeachment on the ground of "complicity with the South Carolina treason" was sharply demanded by the press.[1] The charge that the President early in December had promised the South Carolina delegation in Congress that the status in Charleston harbor should be preserved does not seem to have had other foundation than a desire expressed that peace should be maintained until the people had time for reflection; and the statement made by ex-Congressman Keitt at Columbia that Mr. Buchanan was pledged to secession must be regarded as calumnious, notwithstanding the South Carolinian was held to be "a perfect and entire gentleman."[2]

Political bias and the hope cherished that South Carolina might be coaxed back doubtless influenced Mr. Buchanan to draft a reply to the impertinent demand of the commissioners that the United States troops should immediately be withdrawn from the harbor of Charleston, which Judge Black, Mr. Holt and Mr. Stanton believed contained fatal concessions to the disunionists. The first went so far as to declare that he would withdraw from the Cabinet if the reply should be sent in the form of the draft. This firmness saved the President from committing a fatal error, and his good faith was shown by authorizing Judge Black to modify the draft to suit himself. The amended paper must be regarded as the act of the President, as it was approved of and signed by him. He refused peremptorily to comply with the demand for the withdrawal of the troops, and declared his purpose to defend Fort Sumter by all the means in his power.[3] The commissioners hied to their own country without having accomplished their purpose, unless that purpose was to defy the federal government. Later Colonel Hayne, "special envoy" of the State of South

[1] See Cincinnati *Gazette*, Dec. 21–30.

[2] The passage in the report of Mr. Keitt's speech referred to in the text reads as follows: "South Carolina, single and alone, was bound to go out of this accursed Union. He would take her out if but three men went with him, and if slaves took her back it would be to her graveyard. Mr. Buchanan was pledged to secession, and he meant to hold him to it."—*Cong. Globe*, p. 139.

[3] *Life*, vol. ii., chap. viii.

Carolina, appeared at Washington, to demand of the President the unconditional surrender of Fort Sumter to the authorities of that State, accompanied with a threat that if the demand was refused the fort would be taken by force of arms. The Secretary of War on behalf of the President refused to accede to the demand.

Inquiry by a special committee of the House of Representatives into the facts relating to the action of South Carolina, and the seizure of the public property by the authorities of other States before adopting ordinances of secession, resulted in a report severely censuring the President, which expressed public opinion generally prevailing in the free States. The committee declared that it was not able to resist the inference that, in the beginning of the revolutionary movement against the government of the United States, there were relations of an extremely friendly character between those who contemplated rebellion and those whose duty it was to suppress it.

> We cannot but regard it as a most extraordinary fact that parties notoriously contemplating the disruption of the government should beforehand stipulate with its executive authority in respect to the most convenient and least dangerous mode for making the rebellion successful. While the President has avowed his determination to execute the laws, he does not seem to have regarded treason to the Constitution of the United States, contemplated and existing, as among the crimes condemned by the laws of the land and deserving punishment.[1]

The failure to reinforce the forts in Charleston harbor immediately after Mr. Lincoln's election was a fatal and inexcusable blunder. The President had said to Floyd, Secretary of War, that "if the forts should be taken by South Carolina in consequence of our neglect to put them in defensible condition it were better for you and me both to be thrown into the Potomac with mill stones tied about our necks"; but he failed to require his Secretary of War to reinforce and provision

[1] *Cong. Globe*, Feb. 21, 1861, p. 1256; majority report of committee.

them, and when Judge Black attempted to get a peremptory order to Floyd he confessed himself annoyed at this interference with the business of another department.[1] He paltered to the end—a sad affliction to his country. To the student of the history of this time who may seek to locate responsibility this inquiry becomes pertinent: Did Mr. Buchanan's intimate friend Black, in 1856, understand his infirmities of character as well as Mason, Hunter and Slidell, who made him the candidate of the South?

The timid policy pursued by the President, that no resistance should be offered to the course of events in the South, and that the government must not shed the first drop of blood, led to the demoralization of the public business and a condition of lawlessness in the States preparing to withdraw from the Union. The public property — forts, arsenals, custom-houses, post-offices, navy yards and revenue cutters — was seized by direction of the State authorities. Money collected on government account was held subject to the order of the States. The position of the government was so humiliating as to call forth remonstrances from its friends in Congress, who gave the President to understand that, unless he could maintain the supremacy and dignity of the government and protect the public property, he must no longer rely on their support.[2] General Cass, in his letter of resignation of the 12th of December, expressed his dissatisfaction with the policy of inaction. Howell Cobb had previously resigned as Secretary of the Treasury to join the secession movement. The resignations of Mr. Floyd,[3] Secretary of War, and Mr. Thompson, Secretary of the Interior, were also soon received. Judge Black succeeded General Cass as Secretary

[1] *Secession Secrets;* or, *Judge Black's Defence.* Philadelphia *Press*, Aug. 7, 1881.

[2] *Memoirs of John A. Dix.* vol. i., p. 361.

[3] The resignation of Floyd was the only one demanded by the President. Bonds to the amount of $870,000 had been abstracted by a clerk, and acceptances of equal amount had been issued by the Secretary to William H. Russell of the firm of Russell, Majors & Waddell. It is asserted by Mr. Buchanan's biographer that the discovery of the irregularities converted Floyd from a Unionist to a secessionist. See vol. ii., chap. xx.

of State, Edwin M. Stanton became Attorney-General, and John A. Dix, Secretary of the Treasury—an appointment of the first importance. The character of the reorganized Cabinet was an assurance to the country that there would be no more paltering in dealing with the enemies of the Union. The President had been brought to a realization of the extent of the prevalence of a lack of public confidence in his administration by the failure of his first selection of a successor to Mr. Cobb. Philip F. Thomas of Maryland filled the office for a few weeks. He was coldly received by the moneyed men of New York. The administration was without credit, and he was powerless to restore it. The President was given to understand that help would be withheld until he put in his Cabinet some one on whom the friends of the government could depend. This brought about a meeting of bankers in New York, who decided to require of the President, as a condition of their support, the appointment of General Dix to a Cabinet position.[1] The President wisely complied with the demand. The new Secretary found the department demoralized. Orders to officers in the States involved in the secession movement were disregarded. He acted with great vigor, compelled the unwilling to respect the authority of the government, and gave the country an inspiring example of aggressive loyalty. He sent an agent to the Gulf States to secure such property as had not already been seized, with instructions to provision the revenue cutters and send them to New York. On being informed that Captain Breshwood of the revenue cutter *McClelland*, stationed at New Orleans, refused to obey his order, General Dix telegraphed his agent to have the Captain arrested and placed in irons as a mutineer, and added these words, which are as famous as any in history: "If any one attempts to haul down the American flag, shoot him on the spot." The order was not shown to the President because it was certain he would withhold it—a fact that throws a flood of light on the embarrassments of the administration arising from the infatuation of the executive.

[1] *Memoirs of John A. Dix*, vol. i., p. 362.

The inaction of Congress was further evidence that the country was in a state of revolution. A large majority of the Senate was opposed politically to the President-elect, and in the Thirty-seventh Congress the Republicans would be in a minority in the House of Representatives. Whatever his disposition, Mr. Lincoln would be powerless to carry into effect any policy inimical to the interests of the South; but charged with the responsibility of administration he would of necessity be conservative. This was well understood by the distinguished men who controlled the destinies of the Southern States, but it clearly was not their policy to give time and opportunity for the mass of their communities to obtain knowledge of it and consolidate an opposition to secession, on which they had long since resolved. They labored to precipitate action, to involve as many States as possible before the well disposed in both sections of the country could be brought to coöperate on some plan of compromise. They encouraged the belief that they were open to terms of adjustment, but they were not helpful.

The delay of certain States in following South Carolina alarmed these leaders, and on the 7th of January a secret caucus was held in Washington by the Senators from Florida, Georgia, Alabama, Mississippi, Louisiana, Arkansas and Texas, who decided to advise and urge the immediate secession of their States, and recommended that a convention be called to meet at Montgomery not later than the 15th of February—this date being fixed upon to enable Louisiana and Texas to participate. This would be two weeks before Mr. Lincoln could be inaugurated.

The plan informally agreed upon, it would seem from all the testimony now avaliable, was to set up a provisional government, the head of which might be a border State man if the border States could be induced to withdraw from the Union. It was believed that by remaining in their seats as long as possible, or until their States took action, they could keep the hands of Mr. Buchanan tied and prevent the passage of force, loan and volunteer acts which would put the

new administration in immediate condition for hostilities.[1] A committee was appointed, consisting of Senators Davis, Slidell and Mallory, to carry out the decrees of the caucus. This is an interesting phase of the disunion movement in which Senators were then engaged; Senators representing their States in a national capacity, who were sworn to support the Constitution of the United States, and who were acting as the friends and privy councillors of Mr. Buchanan. They were advising the seizure of the public property within their respective States while members of the legislative department of the government, and preventing the adoption of any legislation to protect it, or of remedial measures which the great body of the American people demanded, by making conditions entirely impracticable and unreasonable.[2] Mr. Davis, writing after the failure of the Confederacy, denounced the application of the words "conspiracy" and "cabal" to this caucus action of Senators, and he characterized the statement that they directed from Washington the movements in the States as a travesty upon history. Words are of less significance than deeds. The letter of Senator Yulee, written immediately after the meeting of the Senators, and found at Fernandina the following year by soldiers of the United States, is evidence that must be admitted. It shows a conspiracy—a purpose, if that be more acceptable—to cripple and thwart the federal government. Mr. Davis says that the disunion movement began before the meeting of Congress, and that he advised Mississippi to secede and take the chances of war.[3] In the light of the experience of nations, what term properly describes such action?

Three days after the caucus Jefferson Davis spoke in criticism of the President's special message of January 8th, and on

[1] Letter from Senator D. L. Yulee of Florida to Joseph Finegan, dated "Washington, January 7, 1861," found in Fernandina by United States soldiers in the winter of 1862.—New York *Times*, March 15, 1862.

[2] One of the propositions laid before the Committee of Thirteen by Jefferson Davis was designed to subvert the constitutions and laws of the free States.

[3] See *Rise and Fall of the Confederate Government*, vol. i., p. 201, and remarks of Jefferson Davis on withdrawing from the Senate, *ibid.*, 221, and *Cong. Globe*.

the state of the Union. A month previously he had said that the Union would lose its value to him if he had to regard it as a union held together by physical force, thus coinciding with Horace Greeley and other Republicans of the North who made fraternity the cardinal principle of association. The same sentiment was prominent in his speech of the 10th of January. The constitutional right of secession was maintained with a skill and logical force that made Mr. Davis easily the first of Southern statesmen. He had a special purpose, doubtless, in making the argument of Andrew Johnson the text of this part of his speech. The Constitution gave no power to the federal government to coerce a State; this was generally conceded. The claim that individuals could be coerced was equally unwarranted. What is a State? Is it land and houses? Is it taxable property? Is it the organization of the local government? Or is it all these combined, with the people who possess them? Destroy the people, and yet not make war upon the State! "It is like making desolation, and calling it peace."

And yet the framers of the Constitution sought to make a general government that would operate on individuals. "A State exercising the sovereign function of secession is beyond the reach of the federal government, unless we woo her with the voice of fraternity, and bring her back to the enticements of affection." When the time arrived for Mr. Davis to withdraw from the Senate he pointedly drew a distinction between nullification and secession—elaborating on the argument which Horace Greeley had made two months earlier. "We must ever resist," said the editor of the *Tribune*, "the asserted right of any State to remain in the Union and nullify or defy the laws thereof; to withdraw from the Union is quite another matter."

Nullification [said Mr. Davis, carrying the argument of the editor to its logical conclusion], nullification is a remedy which it is sought to apply within the Union, and against the agent of the States. It is only to be justified when the agent has violated his constitutional

obligations, and a State assuming to judge for itself denies the right of the agent thus to act, and appeals to the other States of the Union for a decision; but when the States themselves and when the people of the States have so acted as to convince us that they will not regard our constitutional rights, then, then for the first time, arises the doctrine of secession in its political application.

Recognizing the right of a State to secede, Mr. Greeley would interpose no hindrance. Believing in the right, Mr. Davis held that the federal government had no constitutional power to coerce a State.

Andrew Jackson would have had no patience with this ingenious attempt to cover a disruption of the Union with the cloak of the Constitution. He declared the purpose of nullification to be to sever and destroy the government; that "it was incompatible with the existence of the Union, contradicted expressly by the letter of the Constitution, unauthorized by its spirit, inconsistent with every principle on which it was founded, and destructive of the great object for which it was formed." Nor could he find any support of secession in the Constitution. "To say that any State may at pleasure secede from the Union, is to say that the United States are not a nation, because it would be a solecism to contend that any part of a nation might dissolve its connection with the other parts, to their injury or ruin, without committing any offence." [1] But to return to Mr. Davis's illusive theory.

From the world of speculation appeared "a scudding cloudage of shapes," some one of which might serve as a model for a new confederacy of independent sovereign states, to be founded upon a mutuality of interests. But the philosopher is entitled to be heard in his own language. Separation had already taken place.

Shall we allow this separation to be total? Shall we render it peaceful, with a view to the chance that when hunger shall brighten the intellects of men, and the teachings of hard experience shall have tamed them, they may come back in the spirit of our fathers,

[1] Proclamation by Andrew Jackson, Dec., 1832.

to the task of reconstruction? Or will they have that separation partial; will they give to each State all its military power; will they give to each State its revenue power; will they still preserve the common agent; and will they thus carry on a government different from that which now exists, yet not separating the States so entirely as to make the work of reconstruction equal to a new creation; not separating them so as to render it utterly impossible to administer any functions of the government in security and peace?

A dual executive was waved aside as sure to produce perpetual war, but two fraternal confederacies seemed to be practicable: states agreeing with each other in their internal polity might associate together; and these two confederacies might have relations to each other so close as to give them united power in time of war against any foreign nation. These things were possibilities; these things it devolved on the majority to consider without further loss of time, for with every beat of the pendulum of the clock the opportunity was passing away.

If we accept your philosophy, replied the Puritan, why limit the reconstruction to two confederacies? Why not four or more as well? And if there is to be a reconstruction at all, why not retain what we have and thank God for it? Would differences be less tolerable in an inconstant confederacy? Would fraternal blood be less likely to flow? What does the stern lesson of history teach? Here stands this great government established by the labors of wise and good men; here stands the Union formed to save a repetition of the sufferings and sacrifices which were experienced under a loose confederacy—

a pillar, so to speak, already erected. Do we, we of the North, propose to pull it down? Do we propose undermining the foundations of the Constitution or disturbing the Union? Not at all; but the proposition comes from the other side. They are making war, and modestly ask us to have peace by submitting to what they ask.[1]

[1] Speech of Lyman Trumbull in reply to Jefferson Davis, January 10, 1861. —*Cong. Globe*, p. 312.

The cold truth follows while the warm and eloquent words of the Mississippi Senator are yet ringing in the chamber—uttered by a friend of the President-elect, by Lyman Trumbull, type of the best blood and brains and character of New England. Duty calls to the maintenance of the Union in its integrity; wisdom, to the support of the Constitution under which a more perfect liberty and a more perfect security have been enjoyed than ever before. Why propose new compromises? Why not be content with the Compromise of 1850?

There was a constant cry about the inequality of States, when no inequality existed. But it was proposed to extend the local laws of States into the territories, which was wholly impracticable. Let the people rally in support of the Constitution, sustain the constituted authorities of the country, and in one year after Mr. Lincoln's inauguration the misrepresentations would be exposed through an upright and conscientious execution of the laws, and peace would prevail throughout our borders.

There was a single passage in the remarks of Senator Davis, who was soon to lay down that title and become President of an aggressive confederacy, which marred an otherwise consistent and eloquent speech,—a single note of the threatening of war,—which invites our attention as showing clearly the misconception the Southern leaders had of Northern society and of the conditions prevailing in that section, the misconception, indeed, of what they were themselves undertaking.

The South might be invaded, but

> an army with banners would do but little harm in marching through a country of plantations. They would have but little power to subsist themselves in a sparsely settled region. They would find it hard to feed the army with which they invaded, and would have no power to bring away prisoners and fugitives. How stands it on the other side? In a country of populous cities, of manufacturing towns, where population is gathered from the country into towns and villages, *the torch and sword can do their work with dreadful havoc, and starving millions would weep at the stupidity of those who had precipitated them into so sad a policy.*

But the ensuing four years presented a different picture, filled with the desolating results of war, alas! but without any of the advantages which Mr. Davis hoped to reap.

The threat to let loose upon the cities of the North the dread sisters, fire, famine and slaughter, was out of harmony with the general tone of a speech otherwise conciliatory and instructive. This is not the first time we see Mr. Davis in antagonistic characters. In the summer of 1858 the newspapers were printing and commenting favorably on the following patriotic sentiments said to have been uttered by him July 4th on board the steamer *Joseph Whitney*, bound for Boston:

> And this great country will remain united. Trifling politicians in the South, or in the North, or in the West, may continue to talk otherwise, but it will be of no avail. They are like the mosquitoes around the ox; they annoy but they cannot wound, and never kill. There was a common interest which ran through all the diversified occupations and various products of these sovereign States; there was a common sentiment of nationality which beat in every American bosom; there were common memories sweet to us all; and, though clouds have occasionally darkened our political sky the good sense and the good feeling of the people had thus far averted any catastrophe destructive of our Constitution and the Union.
>
> It was in fraternity and an elevation of principle which rose superior to sectional or individual aggrandizement that the foundations of our Union were laid; and if we, the present generation, be worthy of our ancestry, we shall not only protect those foundations from destruction but build higher and wider this temple of liberty, and inscribe perpetuity upon its tablet.[1]

In November following Mr. Davis was credited with making an incendiary speech at Jackson, Mississippi. After referring to the irrepressible-conflict theory of Mr. Seward, he advised the Southern people

> to turn their old muskets into Minie rifles, prepare powder, shot, shell, ammunition of all kinds and fortifications, so as to be ready

[1] Cincinnati *Enquirer*, Aug. 3d, which contrasted this with the disunion utterances of Garrison.

against any emergency. The South should invite skilled artisans to locate there and establish manufactures of the implements of warfare—this was the part of prudent prevention.[1]

Events were hastening with startling rapidity. Mississippi adopted an ordinance of secession on the 9th of January, Florida on the 10th, Alabama on the 11th, Georgia on the 18th and Louisiana on the 26th, and delegates from these States and South Carolina assembled at Montgomery on the 4th of February to form a confederacy. Secession won in Alabama and Georgia only after a sharp contest. Senator Fitzpatrick in the former State led the opposition, which was consolidated under a plan of coöperation—Unionism in disguise. Men were heard to say that they would help to coerce South Carolina; that they gloried in the Union, and that they preferred to live under Lincoln rather than Buchanan. The parties were pretty evenly balanced, but secession won in the convention, and, having won, with whip and spur drove the other into the disunion movement. It was thought that if Congress had acted promptly on some plan of conciliation — that of Mr. Crittenden's, for example,—Mr. Stephens and Mr. Hill would have succeeded in electing a majority of Unionists to the Georgia convention and the ordinance of secession would have been defeated.[2]

Fault was found with the Republican members of Congress because they witnessed the approach of the storm in silent wonder at the infatuation of men, and failed promptly to counteract its force.[3] On the other hand, they were censured for yielding an apparent acquiescence in several of the most objectionable claims put forward on behalf of the South, which humiliated the North without appeasing the other section,[4] and for not earlier taking the impregnable position that

[1] Cincinnati *Enquirer*.

[2] *The Cradle of the Confederacy*, pp. 484–490.

[3] See special message of the President, January 8; speech of Jefferson Davis, January 10; *Life of Buchanan*, vol. ii.; Democratic newspapers of the day, and *Letters and Times of the Tylers*.

[4] *Twenty Years of Congress*, vol. i., p. 261.

the provisions of the Constitution, as Mr. Clay held in 1851, were ample for preserving the Union. Without question the situation required an energetic enforcement of the laws, "rather than the creation of new guarantees for particular interests, compromises for particular difficulties, or concessions to unreasonable demands." The Union men of the South coincided with the radical Republicans in the opinion that all attempts to dissolve the Union with the hope or expectation of reconstructing a new one with an increased political power secured to the aristocratic system of the South were dangerous and illusory.[1] While this was the sentiment generally prevailing in Republican communities, the chosen leaders showed a deference to the feelings of others who were anxious that concessions should be made in the hope that war might be avoided thereby. In this spirit they wrought in Congress in entire good faith, avoiding irritating speeches and voting for propositions to meet the demands of the slaveholders.

The propositions submitted to the Committee of Thirty-three covered every phase of the sectional controversy, and were remedial from the various standpoints of their authors. They have only a curious interest to the student of American politics, as they belong in the domain of partisanism rather than of statesmanship, which is supposed to be guided by the light of fundamental principles. But the committee formulated a plan of adjustment from which the objectionable party vagaries were excluded, and which was perfectly fair to the complaining section. The committee's second proposition, which was in the form of an amendment to the Constitution, went furthest. It provided that "no amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish or interfere within any State with the domestic institutions thereof, including that of persons held to labor

[1] C. C. Washburn of Wisconsin and Mason W. Tappan of New Hampshire dissented from the conclusions reached by a majority of the special Committee of Thirty-three, and submitted a minority report which contained the views expressed in the text. Senator Clark introduced resolutions in the Senate to the same purport, which were adopted by that body and afterwards reconsidered.—*Cong. Globe*, Jan., 1861.

or service by the laws of said State."[1] This proposition passed both Houses by the requisite majorities and was submitted to the States. The Legislatures of Ohio and Maryland agreed to the amendment promptly, but before other States could act the rapid progress of revolution rendered all action futile.

The committee submitted a further report to the House on the 14th of January. It declared that good faith required the observance of the constitutional provision relating to the rendition of fugitives; to which end it requested certain States to repeal their personal liberty acts. It pronounced it to be the duty of the federal government to enforce the federal laws, to protect the public property, and to preserve the Union. It proposed that New Mexico be admitted with its slave code as adopted by the territorial Legislature; that the fugitive slave law be amended so as to give the fugitive a jury trial in the State where claimed, with the aid of counsel and process for procuring evidence at the cost of the United States, and if he were declared free, to make obligatory his return to the place of arrest at the expense of the national Treasury; and that the act be amended so as to give to federal judges of districts, instead of Governors of States, authority to act on requisitions, with privilege of taking exception by writ of error to the Circuit Court. This was to meet such cases as that in which Governor Dennison of Ohio refused to issue his warrant on the requisition of the Governor of Kentucky for the arrest of a person charged with the violation of a statute of the latter State when the act was not recognized as a criminal offence by the laws of Ohio—when it was regarded, as would often be the case, as an act of charity and humanity. The Senate did not act on these latter propositions, the joint resolution of Mr. Crittenden having priority.

[1] The original of this was offered in committee by Charles Francis Adams, by request. In the House, on motion of Mr. Corwin, the phraseology but not the substance was changed to read as in the text above. In the third volume of his history, Mr. Rhodes prints a letter by Mr. Adams explaining his part in placing before the committee the amendment and the proposition to admit New Mexico as a State. P. 267, note.

The action of the House on the report of the Committee of Thirty-three showed the lengths to which Republican statesmen would go to meet the demands of the South and to commit their own constituencies. A majority of the members from Ohio, including Mr. Sherman, Mr. Corwin, Mr. Delano and Mr. Stanton, Mr. Morrill of Vermont, Mr. Grow and Mr. Moorhead of Pennsylvania, Mr. Colfax of Indiana, Mr. Howard of Michigan, and Mr. Windom of Minnesota supported the committee. They acted under a sense of grave responsibility. But when Mr. Adams of Massachusetts proposed the declaration that "peaceful acquiescence in the election of the chief magistrate, accomplished in accordance with every legal and constitutional requirement, is the paramount duty of every good citizen of the United States," several Southern members asked to be excused from voting upon it. Mr. Adams showed every disposition in committee to promote any practical and reasonable compromise, but finally he submitted to the House a minority report in which he justified his vote against the report of the committee. He said that close observation had led him to the conclusion that no form of adjustment would be satisfactory to the recusant States which did not incorporate into the Constitution of the United States the recognition of an obligation to protect and extend slavery. On this condition and on this alone would they consent to withdraw their opposition to the recognition of the constitutional election of the chief magistrate.

The plan of the Committee of Thirty-three differed but little from propositions agreed on at a meeting of the Senators and Representatives from the fourteen border free and slave States. One of these further provided for a division of territory into free and slave States on the line of 36° 30′, and prohibited Congress or a territorial Legislature from abolishing or interfering with slavery south of that line.

The Senate committee of thirteen met for the first time December 21st, the day after the convention of South Carolina had passed the ordinance of secession. This act, although long anticipated, gave additional gravity to the conference of

the distinguished men charged with the responsibility of formulating a plan of pacification acceptable to both sections. On the 22d, on motion of Mr. Davis, it was agreed that no proposition should be reported as adopted, unless sustained by each of the two classes of Senators of the committee—Senators of the Republican party to constitute one class, and Senators of other parties to constitute the other. As these classes negatived the propositions emanating from representative members of each, the committee was unable to agree on a plan of adjustment and was dissolved.

What the Republican Senators were willing to agree to was disclosed in resolutions submitted by Mr. Seward: The first was the proposition reported by Mr. Corwin prohibiting Congress from abolishing or interfering with slavery in the States. The second proposed to amend the fugitive slave act of 1850 so as to secure to the alleged fugitive a jury trial. The third and last requested the Legislatures of the several States to review all of their legislation affecting the right of persons recently resident in other States, and to repeal or modify all such acts as contravened the provisions of the Constitution of the United States, or any laws made in pursuance thereof.

The Southern Senators except Mr. Toombs voted for the first resolution, but they negatived the other resolutions. The extreme Southern demand was embraced in propositions submitted by Messrs. Toombs and Davis, which show clearly that the purpose of the leaders who had precipitated secession was not to compromise the sectional differences at this stage.[1] None knew better than Davis and Toombs that the Republi-

[1] When, on the 2d of January, Mr. Hunter of Virginia was speaking in exposition of his scheme to remodel the United States government and expressed the desire to bring about a permanent adjustment and a stable government, Mr. Baker of Oregon asked him if, in case Congress should agree on amendments to the Constitution to meet the Southern views to be submitted for the approbation of the people, he would throw the weight of Virginia and especially the weight of his own individual character to maintain the Constitution and laws as existing, until the people of the States should decide on the amendments, he declined to commit either Virginia or himself to a policy of suspension until the people could act.—*Cong. Globe*, Second Session, Thirty-sixth Congress, pp. 328–332.

can members of Congress could not accept propositions so repugnant to the moral sense of the North and which would require the utter abandonment of their political principles.

Mr. Toombs would secure to the people of the United States an equal right to settle in the territories with slave property, and make it the duty of the general government to protect the same, reserving to the States the right to prohibit or establish the institution of enforced servitude within their limits. He would prohibit Congress from passing any law in relation to slavery in the States or territories or elsewhere without the consent of a majority of the Senators and Representatives of the slaveholding States.[1] He would cause to be surrendered persons aiding or abetting the escape of slaves the same as other criminals; he would require Congress to pass laws to punish persons engaged in invasion or insurrection, and he would deny to the alleged fugitive the benefit of the writ of *habeas corpus* or trial by jury. And he would perpetuate this system by prohibiting any alteration of it or of the clauses of the Constitution relating to slavery (excepting the African slave trade) without the *consent of all* of the slave States.

Mr. Davis sought by amendment of the Constitution to subvert the constitutions and laws of the free States. His resolution is entitled to a careful reading:

> *Resolved*, That it shall be declared, by amendment of the Constitution, that property in slaves, recognized as such by the local laws of any of the States of the Union, shall stand on the same footing in all constitutional and federal relations as any other species of property so recognized; and like other property shall not be subject to be divested or impaired by the local law of any other State either in escape thereto or of *transit or sojourn of the owner therein;* and in no case whatever shall such property be subject to be divested or impaired by any legislative act of the United States, or of any of the territories thereof.[2]

[1] Amended on motion of Mr. Hunter so as to add: "And also a majority of the Senators and Representatives of the non-slaveholding States."

[2] *Cong. Globe*, p. 190. The Richmond *Enquirer* demanded the repeal of all liberty laws, the protection of slaveholders against interference with their slaves while sojourning in free States, and protection in the territories by Congress.

It would be challenging the intelligence of Mr. Davis to suppose that he offered the above amendment to the Constitution in the expectation that it would be adopted by the States, or that any free State would alter its fundamental law to permit the introduction of African slavery in the manner proposed.

Before Mr. Powell moved the appointment of the Committee of Thirteen, Senator Crittenden introduced a joint resolution which immediately challenged the attention of the whole country, and led conservative Union people everywhere, especially in the border States, to expect that peace and concord would be restored by its adoption. This resolution submitted six articles as amendments to the Constitution: The first restored the Missouri restriction and carried with it the obligation to protect slavery south of the line of 36° 30′; the second declared that Congress should have no power to abolish slavery in places under its exclusive jurisdiction within the limits of slave States; the third took away from Congress the power to abolish slavery in the District of Columbia so long as the institution should exist in either Maryland or Virginia, or without the consent of the inhabitants, or without just compensation first made to the owners of slaves; and also the power to prohibit officers of the government or members of Congress from bringing into the District their slaves and holding them there. The fourth prohibited any interference with the interstate slave trade; the fifth provided that in cases where the recapture of a slave was prevented by violence or intimidation, or where a slave was rescued by force, the claimant should be paid the value of such slave out of the Treasury of the United States; the sixth provided that no future amendment should affect the five preceding articles, that the provision in the Constitution guaranteeing the count of three-fifths of the slaves in the basis of representation should never be changed; that no amendment should be made to impair the provision for the recovery of fugitives from service, and that no amendment should be made permitting Congress to interfere with slavery in slave States.[1]

[1] Mr. Crittenden also introduced five declaratory resolutions relating to the slavery controversy: That the fugitive slave law ought not to be modified so as

The joint resolution failed to pass the ordeal of the Committee of Thirteen, as its several articles were rejected by the votes of the Republican members. Mr. Davis and Mr. Toombs voted with them against the first article, which proposed to restore the Missouri Compromise and secure the protection of slave property south of the line of division. After the committee was discharged and the Crittenden joint resolution was before the Senate, on motion of Mr. Powell,[1] the first article was amended so as to make the obligation to protect slavery extend to territory "hereafter to be acquired." Whatever chance there might have been to secure the support of the North for Mr. Crittenden's plan of adjustment was thrown away by the adoption of the Powell amendment, which invited the despoilment of weaker nations—the absorption of Mexico, Nicaragua and Cuba by force or fraud to extend the area of slavery. But even this enticing prospect failed to check the disunionists in their career of revolution.

The joint resolution was further amended so as to make it mandatory on the executive of a State to surrender a person charged with an offence against slavery in another State; to punish persons abetting insurrection, and suppressing the African slave trade forever. Unexpectedly to the author of the measure, who had wished to modify it to meet objections, it was pressed to a vote on the 2d of March. Mr. Crittenden moved to substitute the article of amendment reported from the Peace Congress. Upon the invitation of Virginia, fourteen free and seven slave States sent delegates to this congress charged with the duty of devising some plan of adjustment within the scope of the Constitution which should provide guarantees for the future protection of the rights of the minority

to impair its efficiency; that provision should be made for the punishment of those who should attempt to hinder or defeat the due execution of the law; that the law ought to be so amended as to make the fee of the marshal the same in cases decided by him whether favorable or unfavorable to the claimant; that Congress should request States having personal liberty laws on the statute books to repeal them; and that the laws for the suppression of the African slave trade ought to be made effectual.

[1] January 16th.

section. The delegates were men of distinction, and were undoubtedly actuated by a spirit of patriotism. They assembled in Washington on the 4th of February and remained in session three weeks.[1] They adopted an article of amendment to the Constitution embracing seven propositions. These resembled those introduced by Mr. Crittenden, the differences being more conformable to Northern sentiment.

The first section restored the Missouri Compromise line; the second provided that no territory should be acquired without the concurrence of a majority of all of the Senators from slaveholding States and a majority of all the Senators from free States; the third declared that neither the Constitution nor any amendment thereof should be construed to give Congress power to interfere with slavery in the States, or to prohibit it in the District of Columbia without the consent of Maryland and without the consent of the owners, or without making the non-consenting owners just compensation, or to prohibit persons from bringing slaves to the District, retaining and taking them away, or to prohibit slavery in places under the exclusive jurisdiction of the United States, or to interfere with the interstate slave trade, or to place any higher rate of taxation on slaves than upon land, but it prohibited the slave trade within the District; the fourth provided that no construction of the Constitution should prevent any of the States by appropriate legislation from aiding in the arrest and delivery of escaping slaves; the fifth forever prohibited the African slave trade; the sixth provided that these amendments should not be changed or abolished without the consent of all of the States; the seventh provided for the payment from the Treasury of the United States for all fugitive slaves whose recapture should be prevented by violence.

The minutes of the congress show that of the Northern States Ohio and Pennsylvania, and of the Southern States Maryland, Kentucky and Tennessee voted for every proposition. After the proposed amendment was submitted to Congress and opportunity for an interchange of views had been

[1] Ex-President Tyler was president of the congress.

afforded, it was learned that this agreement between the delegates of the border and Northern States would not be acceptable to the disunionists. This fact explains why but seven votes were recorded in the Senate, March 2d, in favor of Mr. Crittenden's motion to substitute the measure reported by the Peace Congress for his joint resolution, and why the House failed to consider it at all. Jefferson Davis says in his history of the war that the Peace Congress "failed to achieve anything that would cause or justify a reconsideration by the seceded States of their action to reclaim the grants they had made to the general government and to maintain for themselves a separate and independent existence." He nowhere explicitly says that they would have accepted the Crittenden proposition,[1] returned to the Union, and renounced the doctrine that a State had a constitutional right to secede. We know well that Mr. Davis would not have renounced his theory of the Constitution. He had for many years advocated, as an essential attribute of State sovereignty, the right of a State to secede from the Union[2]— the right of peaceable withdrawal from an association that had become intolerable, sectional hostility having been substituted for a general fraternity. This theory of the government had such a hold on him that he declared that if he had thought Mississippi was acting without sufficient provocation, or without an existing necessity, he should still, because of his allegiance to the State, have been bound by her action.[3] The North, dreading more the anarchy resulting from unstable governments than all else, could not accept the secession theory. Nor could the North accept the Crittenden proposition, imperfect as its author confessed it to be, both because of the sacrifice of principle it required and because of the political agitation that would surely follow its

[1] Senators Pugh and Douglas said in the Senate that Mr. Davis had in committee proposed to accept the Crittenden compromise if that proposition could receive the support of the Republicans. See Senate Debates, *Cong. Globe*, Second Sess., Thirty-sixth Congress. Mr. Davis in his work recites the remark of Senator Douglas merely as a part of the history of the time.

[2] Speech on withdrawing from the Senate.

[3] *Ibid.*

adoption. On being put upon its passage in the Senate it failed by a vote of 19 to 20.

The course of those secessionists who still lingered in the Senate in demanding concessions, while refusing to vote on the Crittenden joint resolution, was disingenuous. Directly after it failed to pass they telegraphed home, "We cannot get any compromise." The active agents of the disunion movement endeavored by misrepresenting the facts to use the non-success of the Crittenden proposition to influence the border States to secede.[1]

Meanwhile there was great activity in the Northern and border States in the promotion of a sentiment favorable to concessions to the South. Petitions signed by tens of thousands[2] were sent to both Houses of Congress, and public meetings were held in several of the leading cities,—Boston, Albany, New York, Philadelphia and Cincinnati,—which were addressed principally by persons identified with the Democratic and Conservative Union parties. The moderate and patriotic tone which characterized a meeting held at the Opera House in Cincinnati, December 19th, is in striking contrast with the wild and reckless speeches made in some of the Eastern cities. Mayor Bishop, an American, presided. Henry Stanbery, the eminent jurist, who was a citizen of Kentucky, in a speech of great power, controverted the doctrine that a State could constitutionally secede from the Union. The Hon. William S. Groesbeck said: "I feel that it would be small business in a great nation like ours to parley with the wild fanaticism of the unmanageable States; but I would counsel moderation and kind treatment."

The resolutions will be found to be a more faithful reflection of Northern sentiment than most that appeared in public prints. The meeting resolved:

1. That we earnestly cherish the federal Constitution, the integrity of the Union, and the peace and security of all citizens.

[1] *National Intelligencer*. Also, speech of Andrew Johnson, January 31, 1862.

[2] Mr. Crittenden said he thought the signatures reached a quarter of a million.

2. That we hold secession by a State, or resistance by any State to the federal laws, to be non-constitutional and revolutionary; to be met with firmness, but yet in a spirit of forbearance and conciliation.

3. That we hold all State laws opposing the just execution of the fugitive slave law to be not only unconstitutional and void, but mischievous in their influence on the feelings of the people, both North and South, and that all good citizens will unite to effect a repeal of such laws. [The fourth resolution related to the clause in the Constitution for the rendition of slaves, which made the laws of 1793 and 1850 necessary.]

5. That we most earnestly disapprove and condemn the uncandid and unjust denunciations in each section of the country against the people of the other, which have for so many years been prevalent, and which originating with a few, have at length fixed the prejudices and embittered the feelings and misguided the judgments of many; and we believe the uncandid discussion of the slavery question to be the chief cause of the political evils of the day.

6. That we, in common, as we believe, with the mass of the Northern people, hold in utter detestation and abhorrence any effort to produce insubordination and insurrection among slaves, and that all good citizens will be faithful to humanity as well as religion in opposing such attempts.

7. That we have entire confidence in the united and persevering efforts of candid men to counteract the evil spirit which has so long been spreading in the land, to make the North and South more equitably acquainted with the real circumstances of each other, to discountenance the bitterness so common in the press, to maintain the Constitution and the laws, and to maintain a spirit of candor and justice, which will not only preserve our glorious Union, but ultimately restore to the hearts of all the people the Union in all its ancient strength.[1]

The seaboard cities, finding trade suspended, debts unpaid and before them the prospect of a cessation of cotton manufactures, endeavored to check secession by an active advocacy

[1] Cincinnati papers, Dec. 20. Another meeting was held at Smith and Nixon's Hall, Dec. 31, which was addressed by Senator Pugh. The Crittenden proposition was endorsed.

of compromise, and by showing a willingness to throw overboard any inconvenient principles inherited from the Declaration of Independence, or the teachings of the fathers of the Constitution. The people of Philadelphia early in December, at a meeting presided over by the mayor, expressed a desire to meet the demands of the South. They deprecated any criticisms of slavery or of slaveholders as inconsistent with the spirit of brotherhood and kindness. And to prove to the South their sincerity, the mayor on the following day caused a hall to be closed to George William Curtis, who was announced to lecture on the *Policy of Honesty*. The quickened conscience of the Philadelphian suspected that political heresy lurked behind this subject chosen by one who had poked fun at the Rev. Cream Cheese, and promptly deprived his fellow citizens of the enjoyment of a pleasant and profitable evening. Boston, also, displayed a readiness to suppress freedom of speech and to repudiate the acts of Massachusetts.

A meeting in Pine Street, New York, presided over by Charles O'Conor, in which ex-Senator Dickinson, Wilson G. Hunt, Samuel J. Tilden, William B. Astor, John J. Cisco and other prominent citizens took part, resolved "to seek by all practicable efforts a redress of the wrongs of which the Southern States justly complain and to maintain their equality under the Constitution, in the full enjoyment of all the rights and privileges it confers"—one of which was declared to be the right to carry slavery into the free territories and have it maintained there. As this involved the enactment of a slave code, which the Northern States had repudiated again and again, the Pine Street meeting was undertaking what was impracticable. An address to the South was drawn up and signed, which ex-President Fillmore was requested to carry to the seceding States.[1]

The sentiments of the Cincinnati meeting were less acceptable to the leaders of the disunion movement than those which recognized their "wrongs" and approved of a peaceable separation. "Compromise or peaceable separation" was

[1] *Memoirs of John A. Dix*, vol. i., p. 350.

proclaimed by the Democratic organ of Maine. If the Republicans refused to yield to an accommodation of the national difficulties, and if troops should be raised in the North to march against the people of the South, then, the Detroit *Free Press* declared, "a fire in the rear will be opened upon such troops which will either stop their march altogether or wonderfully accelerate it." The Albany *Argus*, a Democratic paper of wide influence, justified the course of the extremists and said it should deem a resort to force most disastrous.

At a Democratic meeting held in Albany, January 31st, after six States had withdrawn from the Union, Horatio Seymour asked whether successful coercion by the North would be less revolutionary than successful secession by the South. And Mr. James S. Thayer, a Whig, after declaring in favor of a settlement on the basis of a peaceable separation, added that,

> if a revolution of force is to begin, it shall be inaugurated at home. And if the incoming administration shall attempt to carry out the line of policy that has been foreshadowed, we announce that when the hand of Black Republicanism turns to blood-red, and seeks from the fragment of the Constitution to construct a scaffolding for coercion—another name for execution—we will reverse the order of the French Revolution, and save the blood of the people by making those who would inaugurate a reign of terror the first victims of a national guillotine.

Such inflammatory sentiments were received with enthusiastic applause.

After such an exhibition of subserviency in the State it was unkind in the mayor of the great metropolis to press his proposition for it to secede and sever the "odious and oppressive connection" with the State. The resolutions which were adopted were in keeping with the sentiments of the speakers. One of them declared that civil war would not restore the Union, but would defeat forever its reconstruction; another that it would be monstrous to refuse the concessions demanded by the South.

Can we wonder that the Southern people, misled by such exhibitions of zeal in their cause, hastened to enter upon a course which promised that they might if they chose return to the Union with political power made secure, perchance largely augmented [1]; or which might lead to the peaceable establishment of a confederacy based on a system free from all compromises? They had embraced a false political theory which led them to believe that at any time they could peacefully withdraw from the Union without the consent of the other members, and that the power of the Constitution would suffice to prevent an attempt at coercion. In fancied security they followed the rash counsels of the few ardent spirits who had imagined the creation of a new confederacy with power to control the manufacturing interests of the world and shape the political destiny of nations. Holding to this theory, they could not understand how a war could be waged against seceded States.[2]

The Republicans in Congress were embarrassed by the want of agreement among Southern men as to the nature and extent of their grievances. Senator Baker of Oregon, in a speech which attracted general attention for its perfect temper, thorough grasp of political facts, wit and eloquence,—the most brilliant maiden speech perhaps ever delivered in the Senate,—attempted in vain to obtain from Southern Senators a list of grievances, a distinct avowal, in fact, of any well-founded wrong.[3] Inequality of States in their relations to the territories had been alleged by some, by Senator Toombs for one, and denied by Alexan-

[1] "In the minds of many there was the not unreasonable hope that the secession of six Southern States—certainly soon to be followed by that of others—would so arouse the sober thought and better feeling of the Northern people as to compel their representatives to agree to a convention of the States, and that such guarantees would be given as would secure to the South the domestic tranquillity and equality in the Union which were rights assured under the federal compact."—*Rise and Fall of the Confederate Government*, vol. i., p. 227.

[2] *Ibid.*, chap. iv.

[3] Mr. Baker's remarks were in reply to Senator Benjamin, who had made the ablest of the speeches supporting secession. It reminded him of the reply of Dr. Johnson, who, when asked his critical opinion of a book just published which was making a great sensation in London, said: "Sir, the fellow who has written that

der H. Stephens, who declared that the personal liberty laws of some of the Northern States were the real causes of complaint.[1] To the extent that these obstructed a just execution of the fugitive laws, the States would undoubtedly have amended them; and to end all controversy about the territories Mr. Sherman proposed their immediate admission as States. Besides the amendment to the Constitution already referred to as having been reported by the Committee of Thirty-three, which proposed to make slavery perpetual in the States where it existed, the Republicans were willing to abide by the Dred Scott decision and the enforcement of the fugitive slave law,[2] and in organizing the territories of Colorado, Dakota and Nevada they omitted to insert any clause prohibiting slavery—thus abandoning the principle which gave rise to their party. Not one of the great leaders of the party objected to this. These facts show how intent they were on staying secession if admissible concessions could do it. The disposition was well understood by the Southern leaders, but they were, as Mr. Stephens said, disunionists *per se*. They did not regard a restoration of former relations as practicable or desirable.[3]

They beheld the political power of the North growing with unexampled rapidity, and they believed that it threatened the early destruction of their social order. "Happy would it have been," wrote Jefferson Davis retrospectively, "if the equal rights of the people of all the States to the enjoyment of territory acquired by the common treasure could have been recognized at the proper time! There would have been no secession

has done very well what nobody ought ever to do at all." At a moment of great interest in his argument, the chair in which Senator Mason of Virginia sat gave way and precipitated the occupant to the floor. Baker pausing said: "The incident before me, Mr. President, is not the only case where a fall will succeed dissolution."

[1] *Life*, p. 376. Mr. Toombs not only assigned inequalities of States as a grievance, but opposition to the fugitive slave law and refusal to surrender persons accused of aiding escaping slaves and inciting insurrection. His speech arraigning the North was the most powerful delivered during the debate.

[2] *Personal Recollections*, by George W. Julian, p. 180.

[3] Inaugural address of Jefferson Davis.

and no war."[1] A note of warning was given in 1850 when California was admitted to the Union as a free State, and the equilibrium of power between the sections, which had been maintained until then, was destroyed. Jefferson Davis and nine other Senators holding radical States Rights views in a written protest against the refusal of Congress to recognize the right of the slaveholding States to a common enjoyment of all of the territory of the United States, or to a fair division of it between the sections, declared the policy of the government to be "destructive of the safety and liberties of the South, and must lead, if persisted in, to the dissolution of that confederacy in which the slaveholding States had never sought more than equality and in which they will not be content to remain with less."[2] Ten years of agitation and the election of a Republican President brought about the fulfilment of this prophecy.

Must we live [exclaimed one who had joined in the disunion movement early], must we live, by choice or compulsion, under the rule of those who present us the dire alternative of an "irrepressible conflict" with the Northern people in defence of our altars and our firesides, or the manumission of our slaves, and the admission of them to social and political equality?[3]

You will not regard constitutional obligations [said Mr. Toombs, addressing Northern Senators]. I have demonstrated that the party now coming into power has declared us outlaws, and is determined to exclude thousands of millions of our property from the common territories; that it has declared us under the ban of the Union, and out of the protection of the laws of the United States everywhere. They have refused to protect us from invasion and insurrection by the federal power and the Constitution denies to us in the Union the right either to raise fleets or armies for our defence. . . . We have appealed time and time again, for these constitutional rights. You have refused them. We appeal again. Restore us

[1] *Rise and Fall of the Confederate Government*, vol. i., p. 181.

[2] This protest was dated Aug. 18, 1850. The Senate refused to enter it on the journal.

[3] Senator Clay of Alabama.

these rights as we had them, as your court adjudged them to be, just as our people have said they are; redress these flagrant wrongs, and it will restore fraternity and peace and unity to all of us. Refuse them, and what then? We shall ask you to let us depart in peace. Refuse that and you present us war.

The Republicans disclaimed any purpose to interfere with the internal affairs of the States; or to evade their constitutional obligations. But they thought freedom should be considered as well as slavery. The power of the government had been used by administration after administration to hedge about the exceptional institution with safeguards. The whole political power had been, except for brief intervals, in the hands of those whose chief care was to extend and strengthen African slavery. Diplomacy and the Treasury had been employed to acquire new territory for that purpose, and when these fell short of the desires of the Southern politicians, the army and navy were used to despoil a sister republic. South Carolina, Louisiana and some other States had laws imprisoning free colored men employed in interstate commerce. Ohio and Massachusetts remonstrated, and when the latter State, in 1844, sent Samuel Hoar to Charleston instructed to make up a record in the United States Circuit Court of such a case affecting one or two of her citizens, and, should the decision be adverse, to take it on error to the United States Supreme Court to test the constitutionality of the law, South Carolina forbade him to make the case, and expelled him forcibly from the State.[1] There was no redress: Ohio and Massachusetts were powerless to protect their citizens from unjust imprisonment. Public opinion in the South sustained the States that had invaded the constitutional rights of the citizens of other States. The growth of anti-slavery sentiment in the North was due to a purpose to check the extension of a dangerous power—to confine it within the boundaries of States where it was constitutionally established. That purpose did not go beyond this

[1] *Atlantic Monthly*, March, 1892. *Why the Men of '61 Fought for the Union*, by Gen. J. D. Cox.

limit. Therefore when the cotton States chose to secede rather than to recognize the election of a man to the presidency who represented the predominant sentiment of the North, what could, what ought the majority to do to prevent the dismemberment of the Union? Surrender the constitutional right of election? Yield to a menace and thus destroy the stability of the Union? Abandon the doctrine of nationality and substitute for it the theory of the paramount sovereignty of the States and the right of secession at will?

When threats of secession first began to be heard, the wish was general, as we have seen, that it might be prevented by compromise. Where the panic was greatest, in the commercial centres, principle was prostrated before the demands of those who threatened the destruction of the Union. Should the North reject the Crittenden compromise, wrote Horatio Seymour, "then the entire Middle States would be amply justified, before the world and posterity, in casting their lot with their more Southern brethren."[1] Mr. Crittenden himself, though disappointed at the failure of his proposition, did not endorse Mr. Seymour's opinion. He stood by the Union cause. He refused to approve of the doctrine of secession. The representatives of the North in Congress objected to the Crittenden compromise because it took away from Congress and from the people of any territory south of 36° 30′ all power over the subject of slavery[2]; because, with the Powell amendment, it invited the seizure of the territory of other nations.

"Entertain no proposition for a compromise in regard to the extension of slavery," said Mr. Lincoln in a letter to a member of Congress. "The instant you do, they have us under again: all our labor is lost, and sooner or later must be done over. The tug has to come, and better now than later."[3] To this pass had our sectional differences come at last. Each side recognized it, and prepared for the contest. The South had

[1] Letter, January 18, 1861. *Life of Crittenden*, vol. i., p. 254.

[2] See remarks of John Sherman, *Cong. Globe*, Jan., 1861.

[3] Letter addressed to William Kellogg. Nicolay and Hay, *Life of Lincoln*, vol. iii., p. 259.

accepted Mr. Calhoun's argument of February 26, 1833, as a logical and just interpretation of the Constitution touching the right of a State to secede from the Union peaceably.[1] They believed in it in all sincerity, and in their right to determine the question for themselves. This theory made the citizens of the States entirely dependent for the protection of their civil rights and franchises on the several State authorities.[2] Hence they went with their States, and discovered no trace of treason in it. The Governor of South Carolina believed that if this movement should succeed in engrafting the fundamental right of a separate and independent State to withdraw from any confederacy that might be formed, whenever her people, in sovereign convention assembled, should so decide, another advance in the science of government would be made, and another guarantee to the great principle of civil liberty added. What a radical departure was this from the theory held by Washington and his associates, who qualified the right of a people to alter their constitution by the declaration that "the Constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all." [3]

Reaction followed the state of panic in the North. Time for reflection led to the judgment that the road to safety lay in the recognition of the sufficiency of the Constitution for the emergency.[4] If instead of bringing forward compromises, if instead of asking for guarantees, the government had been called on to do its duty, said a Senator, a very different state of things would have existed in the country.[5]

The Southern leaders moved swiftly to the consummation of their purpose to inaugurate a new confederacy. Its organization in their minds was equivalent to its establishment. The

[1] Stephens's *Constitutional View of the Late War between the States*, vol. i., p. 495. South Carolina "*seceded* from that Union to which in the language of Mr. Jefferson, as well as General Washington, she had *acceded* as a sovereign State."

[2] *Ibid.*, p. 494.

[3] Washington's *Farewell Address*.

[4] Petitions presented by Senator Sumner, *Cong. Globe*, 2d Sess., Thirty-sixth Congress.

[5] See *Cong. Globe*, remarks of Judge Trumbull.

delegates of the seceding States met at Montgomery on the 4th of February; on the 8th they adopted a provisional constitution modelled after the Constitution of the United States[1] with slight but important changes, and on the 9th they elected Jefferson Davis President and Alexander H. Stephens Vice-President of the new government. Two clauses in this constitution relating to the foreign slave trade explain in a measure the haste displayed in the organization of the provisional government, and clearly show that the plan of the leaders was not to compel the representatives of the Northern States to agree to a convention of the States in which the South would secure new guarantees and equality in the Union,[2] but to bring about the final separation of all of the slaveholding States and their association in a distinct confederacy. Let us read these clauses in the light of the debates in the federal Congress in December and January:

1. The importation of negroes of the African race from any foreign country other than the slaveholding States or territories of the United States of America is hereby forbidden; and Congress is required to pass such laws as shall effectually prevent the same.

2. Congress shall also have the power to prohibit the introduction of slaves from any State not a member of, or territory not belonging to, this confederacy.

The leaders had expected Maryland and Virginia promptly to unite in the action of the extreme South, but to their amazement there was hesitation and doubt. Then threats were employed to quicken their movements. "I understand,"

[1] A permanent constitution was formed in March and submitted to, and ratified by the people. The confederate Cabinet consisted of Robert Toombs of Georgia, Secretary of State; C. G. Memminger of South Carolina, Secretary of the Treasury; S. R. Mallory of Florida, Secretary of the Navy; L. P. Walker of Alabama, Secretary of War; J. P. Benjamin of Louisiana, Attorney-General; and J. H. Reagan, of Texas, Postmaster-General.

[2] *Rise and Fall of the Confederate Government*, chap. iv., in which Mr. Davis says that many hoped the secession of six States would arouse the Northern people to agree to a convention of the States. This hope was artfully held out to Union men in the Gulf States to induce them to agree to secession. The leaders were working with a different end in view.

said Senator Iverson, "one of the motives which influence the tardy action of these two States. They are afraid of the opening of the African slave trade, and the cheapening of negroes." And they were warned that if they failed to act the constitution of the new confederacy might strike at their peculiar interest.[1] By prohibiting the introduction of slaves from States outside of the Confederacy, it was believed those States engaged in breeding slaves for the market would be compelled to withdraw from the old Union, where if they remained emancipation would result from their own act.[2] The two clauses cited, while quieting the fears of the border States as to the African slave trade, conveyed a warning that if they failed to unite their fortunes with the Gulf States they might look to be punished by the confederate Congress.

No less interest attaches to one of the earliest statutes enacted by the confederate Congress, which was rushed through to placate Tennessee and to woo the great Northwest before Mr. Lincoln could be inaugurated. This act insured the peaceful and free navigation of the Mississippi River "to the citizens of any of the States upon its borders, or upon the borders of its navigable tributaries."[3] It had been thought possible for many years to effect a union of political interests between the South and the Northwest, and thus forever to isolate the hated East, a delusion that was cherished until war fixed the destiny of the great Republic. When disunion had been decreed before the presidential election in 1860, its promoters penetrated the Northwestern States and endeavored to create a sentiment among business men favorable to the establishment of a confederacy composed of these States and the South. The basis was to be free trade and the Mississippi was to be the great artery for commerce.[4] The authors of this scheme little understood the character of the inhabitants of this extensive

[1] Speech of Dec. 11, 1860. *Cong. Globe.*

[2] Message of Governor Gist to the Legislature of South Carolina.

[3] *Statutes-at-large, Provisional Gov't, C. S. A.*, pp. 36–38.

[4] Cincinnati *Gazette* early in 1860. The authority justifying the *Gazette's* exposure was unimpeachable.

region at this time, or the social influences which directed their energies and moulded their institutions. If broader than the kin they had left behind in the Middle States and New England and in Europe, they were no less attached to the Union and the principles of freedom, and even more determined that only one government should be spread over America.

It would seem that Jefferson Davis deemed it possible that these and perhaps other of the Northern States might seek to unite their fortunes with the seceded States under the confederate government, when the advantages it offered over the old were fully understood.[1] If these advantages should fail to prove sufficient, perhaps they would apply for admission after their trade had been destroyed, their laborers reduced to a state of starvation and the torch of the incendiary lighted in the streets of the great cities! Meanwhile the Confederacy, he declared, had been formed without an act of revolution. States had withdrawn peacefully from one alliance and formed another—had created a new agent through whom to communicate with foreign nations — without disturbing the internal policies of the States, or checking the production of the staples which constituted their source of wealth and strength, and in which the commercial world had an interest scarcely less than theirs.[2] This was a practical illustration of the American idea that governments rest on the consent of the governed. Pursuing their well-defined policy the confederate government appointed commissioners to treat with the United States government for a peaceful adjustment of all questions relating to property and future intercourse. The apprehension that he would have to deal with these commissioners made Mr. Buchanan's last days in office perhaps the unhappiest of his life.

[1] Inaugural Address of Jefferson Davis, Feb. 18, 1861.
[2] *Ibid.*

END OF VOLUME I

Date Due

4-4			

Library Bureau Cat. no. 1137

E
338
S664 30068
AUTHOR
Smith, W.H.
TITLE Political history of slavery. v.1.

DATE LOANED	BORROWER'S NAME	DATE RETURNED
3-4-50	Bardeen	✓
SEP 27 '86	[illegible]	[illegible]